

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2013

HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS SECOND SESSION

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PART 8

STATEMENTS OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS



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COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2013

THURSDAY, MARCH 22, 2012.

MEMBERS OF CONGRESS AND OUTSIDE WITNESSES

Mr. WOLF. We are going to begin a little early. And I would ask everybody respectfully if you could kind of keep it to the time because we have 60 outside witnesses and people have different schedules and different things like that.

I want to welcome the first witness. Our first witness is Justice Seamus McCaffery of the Supreme Court of Pennsylvania. I am originally from Pennsylvania, went to Penn State, born and raised, born in south Philadelphia, raised in southwest Philadelphia.

What part of Pennsylvania are you from?

Mr. MCCAFFERY. Philadelphia.

Mr. WOLF. Where?

Mr. MCCAFFERY. Northeast.

Mr. WOLF. Okay. Good. I was born in Methodist Hospital in south Philly. And my dad was a Philadelphia policeman.

Anyway, we welcome you and just proceed as you see fit.

And we welcome our new Member here from Pennsylvania. I also have family living in his district. My brother lives in his district.

Mr. Meehan, you might want to proceed.

Mr. MEEHAN. Well, thank you, Mr. Chairman, for that welcoming reception.

And let me say that one in six of our veterans are returning right now from the battlefields of Afghanistan and Iraq and we also are dealing with many veterans of previous wars who are showing issues with respect to mental illness.

Nobody knows better than I as a prosecutor the implications and value of interventions and preventions and appropriate time.

Veterans courts are an opportunity for us to give back to those who have served our country so nobly. These are effective.

And there is no better champion than the gentleman to my right, a Marine, a Philadelphia police officer, a Philadelphia court judge who knows what the issues are at the street level and now a distinguished member of the Pennsylvania Supreme Court.

And it is my pleasure to give an opportunity to Justice Seamus McCaffery.

Mr. WOLF. And I want to recognize the ranking member, Mr. Fattah, who has some interest in Philadelphia, too, in case he wants to say something.

Mr. FATTAH. Let me welcome the justice and my colleague also from Pennsylvania. And I guess we are getting a little early start here. It is a few minutes before the starting bell.

But I am happy to see all of you here and look forward to your comments. I am very much and so is the chairman interested in the veterans courts approach and we have been big supporters of the drug courts. And we think that veterans deserve more than a fair hearing before the court given all that they have done for our country.

So I look forward to your testimony and I welcome the distinguished jurist to the committee.

Thank you.

Mr. WOLF. You may proceed.

THURSDAY, MARCH 22, 2012.

SUPREME COURT OF PENNSYLVANIA

WITNESS

SEAMUS P. McCAFFERY, JUSTICE, SUPREME COURT OF PENNSYLVANIA

Mr. McCAFFERY. Thank you, Congressman.

First and foremost, I want to thank you all as well Congressman Meehan for being here today.

I spent 40 years of my life in the military. In 1968, I joined the United States Marine Corps. I retired as a full bird colonel in 2008. I had the opportunity and pleasure of meeting veterans from Korea, Vietnam, of course, up to and including Iraq and Afghanistan.

As a Philadelphia police officer, we used to see young men and young women coming back from our service and treating themselves with street drugs, excessive alcohol, things along those lines.

These men and these women suffer what is now known as posttraumatic stress. In this war, we also call it traumatic brain injury.

These young men and these young women, quite frankly, Congressman, they are ashamed. They are afraid to talk about it. They are afraid to mention it. A lot of times, families are breaking up. We oftentimes see them losing their jobs. They become homeless and out of work all because they have a problem dealing with that stress that came out of combat.

But the reality was we saw it as a police officer. My oldest son is now a Philadelphia police officer. He sees it now as well.

We some years ago through the efforts of myself and Chief Justice Ronald D. Castille, who lost his leg in Vietnam as a Marine platoon commander, he suggested that we look into the creation of special reports.

I went out and started basically asking around and we got a lot of judges that are former veterans or actual veterans. And we set up these special reports trying to act as diversion programs.

The Veterans Administration of Pennsylvania under the leadership of Mr. Michael Moreland has been absolutely outstanding. The VA is giving us housing, giving us job training, mental health treatment, drug treatment, alcohol treatment. It is there for us.

We are actually now working to set up court programs. We have 12 programs set up around Pennsylvania right now. And these programs, Congressman, they act as diversion programs.

Police officers arriving on the scene either to domestic violence, a DUI, or even a drug possession case, they immediately ascertain whether or not these men or these women are veterans.

And one of the things that we do, we divert them out of the criminal justice system. Why is that important? Because we feel it is really our obligation to give back to our veterans, get them the type of treatment that they need, help them out with drugs, help them out with alcohol, help them out with mental illness, get them back on their feet, get them back with their families.

And last but not least, Congressman, this is not a walk in the park. These men and these women are put through an awful lot. They are required to go to their treatment programs.

We have in Pennsylvania right now a Veterans Mentor Program that is second to none. We have the VFWs. We have the American Legions. We have the VVA and other non-organized affiliated groups that are coming forward to act as volunteers in the courtrooms. We try to have veteran judges, veteran staff, and, again, mentors in the actual room.

When that veteran comes into our courts, they have already been evaluated and they now know exactly what treatment they need. They are taken. They are given over to the VA. They are now, again, required to complete all of their treatment.

They come back in front of the judge after successfully completing it and here is the best part. Their case is now discharged. That means that that veteran does not have a criminal record.

And as we all know, one-third of the jobs in this country you are not eligible for right now if you have a criminal conviction.

So we see them every single day now. The numbers are growing in Pennsylvania. We have a million veterans in Pennsylvania. Right now nationally we have 80 veterans courts up and running.

Here is the problem. We have no real designated funding. Nothing. When we started our first court, we wanted flags, Army, Navy, Air Force, Marine Corps, POW flags for our courtroom. Congressman, we had to have a beef and beer just to buy flags. We have no designated funding. We are doing everything right now in house and our mentors do not get paid. Again, they are volunteers.

The VA really helped out a lot. But the reality is we need someone to step forward and have something in place where we have funding so that we can make these court programs, you know, a part of our fabric of justice in Pennsylvania and across this country because, you know, our young men and women go off to serve our Nation. Okay?

They risk their lives. They come back. We see our young men and women who die. We honor them every year. We see these other men and women like our chief justice that lose a limb. We honor them as well. But it is the invisible wound, the invisible wound that is most problematic.

And these people are our friends, our neighbors, our family members. They are going to work every day.

And I was just telling Congressman Meehan a minute ago another growing number that is coming into the court system are

Vietnam veterans. Why? Because now their families are grown. They are now retired from their jobs. They are sitting around with their wives and they are having flashbacks. And we are seeing them self-medicate again, excessive alcohol, sometimes street drugs.

So we need to get them help. We need something in our courts that some day somebody just cannot come along and say, you know, we are going to do away with that program.

It is important for us to have veteran type programs out there because when these men and women get off active duty, you know, Pennsylvania guard, for example, the 28th Division, three, four rotations, we are hearing more and more about young men and women now who are snapping.

We need a program that is going to help them when they get locked up and get into the court system. And that is what the veterans courts are doing.

And we are asking right now and, again, through the help of, you know, Congressman Meehan and all of you to really step up and put something in place so that we can be assured that our veterans are going to be treated fairly and right once they come back and if they do ever end up in the criminal justice system.

[The information follows:]

*Pennsylvania Supreme Court Justice Seamus McCaffery's
Remarks on Veterans Courts
"Leave no one behind....."*

In 2008, the United States Department of Veterans affairs reported that 18-20% of this country's returning veterans suffer from the invisible wounds of war known as Post-Traumatic Stress Disorder – "PTSD."

Dr. Ira Katz, of Patient Care Services in the Veterans Administration, reported that an equal number of veterans returning from Iraq and Afghanistan with PTSD are victims of traumatic brain injury – "TBI."

The divorce rate among veterans with PTSD is double that of veterans without PTSD.

One-quarter to one-third of our homeless population is veterans.

In recognition of the fact that there are often service-related reasons or causes that veterans become involved in the criminal justice system, reasons that differ from those of the typical or average defendant, and in an effort to address and respect these causes, many states have created special courts, known as Veterans Treatment Courts.

Today there are approximately 80 Veterans Treatment Courts in states all across this country, dedicated to handling the unique issues facing our veterans who have returned from serving our country with many different kinds of wounds.

Unfortunately, with nearly 25 million veterans in the United States, that is not enough.

In Pennsylvania, at present, we have 12 operational Veterans Courts and another 10 in some stage of planning.

With over one million veterans in the Commonwealth of Pennsylvania alone, that is not enough.

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In 2008, the Army reported the highest rate of suicide among veterans since they started keeping records.

Ladies and gentlemen, the psychological costs of war are not new:

In the Civil War, it was “soldier’s heart” or “nostalgia;”

In World War I , it was “shell shock;”

In World War II , it was “combat fatigue.”

Today – we have treatment for these conditions – treatment that works.

Unfortunately, in order not to appear weak in front of their fellow soldiers, rather than seek treatment to deal with their demons, these men and women self-medicate with drugs and alcohol and eventually end up in the criminal justice system.

In 2008, 9 out of every 100 prison inmates in this country were veterans.

They do not belong there; we owe them more than that.

Veterans Treatment Courts utilize the successful drug court model to identify these men and women, assess their needs, and with strict oversight by the courts and probation departments, and working with the prosecution and defense together, divert these men and women from the criminal justice system into treatment – treatment provided by the Veterans Administration.

These courts need support:

The teams that make up these courts need training;

The courts need staff to coordinate the work of the program;

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They need probation officers to provide the intense community supervision that is required;

There is a need for additional prosecutors and defense counsel to staff these courts;

Mentors are key components of Veterans Courts – they need to be recruited and trained;

And there are the many men and women, the veterans, who are not eligible for VA benefits but need our help.

In closing, I want to address what I know is a sensitive matter. That is the following: we take 18-year-old men and women and expose them to horrendous violence and train them to kill. Then, when they come home with PTSD and TBI and get arrested for crimes of violence, just when they need us most, we are expected to turn our backs on them and treat them like common criminals. This is unacceptably contradictory, and unacceptable.

Bottom line is this: our veterans ask no questions when we send them off to serve our nation, and they do what they are trained to do. We need to serve them better when they return with all their wounds, both visible and invisible, and that takes commitment, caring, creativity in our courts and, of course, support in the form of funding.

Thank you.

Dated: March 19, 2012

Mr. WOLF. Well, thank you for your testimony.

I told Congressman Meehan I hope we can do something here. We separated you from the drug courts so there is no competition. And I told the drug court people whatever we are able to do, and, again, a lot depends on the allocation that we have, but I hope that we can—I cannot speak for Mr. Fattah or the other Members, but I hope we can do something because I told Congressman Meehan when he put his bill in—I do not know if I am on your bill or not, but I said I think it is a great idea.

I had not heard about it before, so we hope we can do something. Again, the allocation will depend. And if the drug courts are out there, we are not going to take away from the drug courts to do it. We hope we can kind of separate it out.

But I thank you for taking the time to come down and appreciate the leadership that Mr. Meehan has made. I think it is really a good idea. I see it in my area.

I talked to a family the other day, a junior high school principal, four deployments and really tough. So I desperately want to do something in this bill that kind of begins this.

And with that, thank you both.

Mr. MCCAFFERY. Thank you, Mr. Chairman.

Mr. MEEHAN. Thank you, Mr. Chairman.

Mr. WOLF. Mr. Fattah.

Mr. FATTAH. I agree with the chairman. And he can speak for me on this. We are going to work together and see if we can move the ball down the court here.

Thank you both for your work in this regard.

Mr. MCCAFFERY. Thank you, Congressman.

Mr. FATTAH. Good seeing you.

Mr. MCCAFFERY. Good seeing you.

Mr. MEEHAN. Thanks, Congressman.

Mr. WOLF. Thanks.

Next will be Nancy Blaney, senior federal policy advisor, Animal Welfare Institute.

And also, too, we just want to tell you once you are finished, you do not have to stay to the time. You are welcome to leave.

Again, we welcome you. Your full statement will appear in the record. We would appreciate if you kind of stay to that limit because of all the others. But welcome.

Mr. Fattah, any comments?

Mr. FATTAH. No.

Mr. WOLF. Okay. Thank you.

THURSDAY, MARCH 22, 2012.

ANIMAL WELFARE INSTITUTE

WITNESS

NANCY BLANEY, SR. FEDERAL POLICY ADVISOR, ANIMAL WELFARE INSTITUTE

Ms. BLANEY. It is a pleasure to appear before the subcommittee again and I do want to establish my Pennsylvania bona fides first.

Mr. WOLF. Oh, really?

Ms. BLANEY. I was born in Episcopal Hospital.

Mr. WOLF. Okay.

Ms. BLANEY. Baptized at Visitation and actually was raised outside Philadelphia in Levittown, Pennsylvania.

Mr. WOLF. Okay. And do you like hoagies or cheese steaks?

Ms. BLANEY. Hoagies. Hoagies, absolutely. I did not know what a sub was when I came down here.

I will be addressing the activities under the Department of Justice's Office of Justice Programs, specifically the Bureau of Justice Assistance National Animal Cruelty and Fighting Initiative.

And I appreciate the subcommittee's continuing interest in this program.

As you know, this initiative has supported the Association of Prosecuting Attorneys Program of Training, Technical Support, and Other Assistance that is provided to prosecutors, law enforcement, animal control, and many other communities to improve the prevention, investigation, and prosecution of animal cruelty and animal fighting.

And I wanted to bring the subcommittee up to date on some of the achievements under this program.

APA is planning its third national conference for October in Los Angeles, having had a conference in D.C. and Colorado.

Like the previous conferences, this one will bring together participants and speakers from many disciplines, law enforcement, psychology, animal control, veterinary medicine, the domestic violence and juvenile justice communities as well to share their experiences dealing with animal cruelty and animal fighting and to cross-pollinate among participants.

The topics have included the basics of conducting an animal cruelty investigation, how to charge, prosecute, and sentence in such cases, the use of forensic experts in court, the relationship between animal cruelty and other forms of interpersonal violence, and cutting-edge considerations in the use of digital evidence. Participants then put theory into practice through a mock trial.

I want to give you an example of the impact that this kind of training has had because it always comes back to me that this is what it is really about.

An assistant prosecutor from a large urban county attended the very first conference. He and a colleague were taking on animal cruelty cases on their own in addition to their other workload which included murder cases and they were feeling very much out in the wilderness at that time.

Today their animal protection unit boasts four prosecutors who review and handle all animal related cases as well as other cases and over the past three years, they have achieved a 98 percent conviction rate. And both of these original assistant prosecutors are now on APA's Animal Cruelty Advisory Council.

One of the unit's cases resulted in significant jail time for two men who set fire to a dog in front of several witnesses including children.

The support and training go beyond the national conferences. APA maintains a listserv that allows members to contact one another for assistance. They have responded to over 250 requests for technical assistance. They have run webinars. The website makes

available a variety of resources and they publish a newsletter that provides practical information.

The subcommittee is well-versed on the relationship between animal cruelty and other forms of violence.

An FBI special agent is now overseeing a new research report that is analyzing the criminal histories of offenders who have been arrested for active animal cruelty in order to further examine the potential link between animal cruelty and violence against persons. The majority of the 66 offenders examined so far have all had previous arrests for other crimes.

The U.S. Drug Enforcement Administration in a report on the sentencing of a Louisiana drug trafficking kingpin described him as an avid pit bull and cock fighter who used these illegal events as a networking tool in order to recruit members to transport and sell marijuana and cocaine for his organization.

Two other things I will mention very quickly. One is states are beefing up their animal cruelty laws. There are now 47 states with felony cruelty laws. There were 46 this time last year. Twenty-two states now allow the inclusion of pets in domestic violence restraining orders and more states are actually looking at increasing penalties for animal cruelty committed in front of a child.

So I want to thank the committee for its continued interest in BJA's program and ask for your continued support.

[The information follows:]



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TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Nancy Blaney, Senior Policy Advisor

Submitted March 16, 2012

Mr. Chairman and distinguished Members of the Subcommittee, thank you for allowing me to testify on behalf of the Animal Welfare Institute as you consider Fiscal Year 2013 funding priorities under the Commerce, Justice, Science and Related Agencies Appropriations Bill. I will be addressing activities under the Office of Justice Programs (OJP) of the Department of Justice (DoJ).

We are grateful for the DoJ's OJP Bureau of Justice Assistance's continuing support for the Association of Prosecuting Attorneys' program of training, technical support, and other assistance for prosecutors, members of the law enforcement community, and other involved parties to enhance the prosecution of animal abuse and animal fighting crimes. This is a very exciting development; we are proud to partner with APA in this ongoing effort (I would note that AWI does not receive any federal funding for its work with APA), and I am pleased to be able to share with you today the work that has been done as a result of BJA's support.

APA is currently planning its third national training conference, scheduled for October in Los Angeles, having already held conferences in Washington, D.C. and Colorado. These national meetings bring together participants and speakers from many disciplines—law enforcement, psychology, animal control, veterinary medicine, the domestic violence and juvenile justice communities, etc.—to share their experiences dealing with animal cruelty and animal fighting, and to encourage cross-pollination among participants. Topics have included the basics of conducting an animal cruelty investigation; charging, prosecuting, and sentencing in animal cruelty cases; the use of forensics experts in court; the relationship between animal cruelty and other forms of interpersonal violence; and cutting edge considerations with the use of digital evidence. Participants then put theory into practice through a mock trial.

As an example of the impact that such training can have, an assistant prosecutor from a large urban county attended the very first conference. He and a colleague were taking on animal cruelty cases on their own, in addition to their regular caseload, and were feeling very much out in the wilderness. Today, their animal protection unit boasts four prosecutors who review and handle all animal-related cases (as well as other cases) and over the past three years has achieved a 98 percent conviction rate. (Both of the original assistant prosecutors are now members of the APA's Animal Cruelty Advisory Council,

discussed below.) One of the unit's cases resulted in significant jail time for two men who set fire to a dog in front of several witnesses, including children.

Training and outreach do not stop with these large meetings, however. APA maintains a listserv and also runs a series of successful webinars addressing issues of practical concern to prosecutors and the many others whose work is connected with animal cruelty crimes. Thus far, the sessions have covered obtaining search warrants in animal cruelty cases; puppy mills; dog fighting; cockfighting; and veterinary forensics in cruelty cases. Three more webinars are scheduled for 2012.

APA has responded to over 250 requests for technical assistance, either directly or through referral to appropriate experts. The Animal Cruelty and Fighting Program section of its website makes available such valuable resources as training and informational manuals; state animal cruelty statutes; animal cruelty case law summaries (developed as part of a project with the George Washington University School of Law); a library of briefs, motions, search warrants, legal memos; and downloadable versions of the webinars.

APA also publishes, distributes, and posts on its website the newsletter *Lex Canis*, each issue of which (there have been nine so far) provides readers with program updates, an in-depth feature, and summaries of investigations, cases, changes in the law, and other developments. For example, recent features have focused on strategies for achieving success in prosecuting cases under state animal cruelty laws; dealing with hoarders; the innovative work of the Mayor's Anti-Animal Abuse Advisory Commission in Baltimore; and, in its very first issue in 2009, the effect of the foreclosure crisis on rising abuse and abandonment of companion animals.

APA and AWI have taken advantage of opportunities to address new audiences about the relationship between animal cruelty and interpersonal violence, and how those audiences can respond both to improve prosecutions of such cases and to reduce their incidence. Several presentations were made to the National Conference on Juvenile and Family Court Judges and to the Pennsylvania Bar Institute.

Last but not certainly not least, APA has assembled an Animal Cruelty Advisory Council composed of prosecutors, investigators, law enforcement, veterinarians, psychologists, members of the animal protection and domestic violence communities, and others, to identify issues, resource needs, and strategies. It brings these same professionals together to provide its multidisciplinary training, and also calls on them individually for topic-specific web-based training and materials.

We respectfully urge the subcommittee to continue funding the BJA's National Animal Cruelty and Fighting Initiative and to encourage the Department's ongoing interest in addressing animal-related crimes because more vigorous attention to such crimes is a valuable tool for making communities safer overall.

The connection between animal abuse and other forms of violence has been firmly established through experience and through scientific studies. Among the most well-documented relationships is that between animal cruelty and domestic violence, child abuse, and elder abuse. For example, up to 71 percent of victims entering domestic violence shelters have reported that their abusers threatened, injured, or killed the family pet; batterers do this to control, intimidate, and retaliate against their victims. Batterers threaten, harm, or kill their children's pets in order to coerce them into allowing sexual abuse or to force them into silence about abuse.ⁱ Criminals and troubled youth have high

rates of animal cruelty during their childhoods, perpetrators were often victims of child abuse themselvesⁱⁱ, and animal abusers often move on to other crimes. In 1997, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) released the results of a review of animal cruelty cases it had prosecuted between 1975 and 1996. Seventy percent of the individuals involved in those cases had been involved in other crimes, and animal abusers were five times more likely to commit a violent offense against other people.

More recently, an FBI special agent (who is also a member of the APA's Animal Cruelty Advisory Council) is currently overseeing a research project that involves "analyzing the criminal histories of offenders who were arrested for active animal cruelty, in order to further examine the potential link between animal cruelty and violence against persons." According to an initial analysis published in a dissertation (Leavitt, 2011), the majority of the 66 offenders examined so far "had prior arrests for other crimes," including interpersonal violence (59 percent), assault (39 percent), and assault of a spouse or intimate partner (38 percent); 17 percent had a history of sexual offenses.

Another connection that is all too common exists among animal fighting (which includes both dogfighting and cockfighting), gangs, and drugs, illegal guns, and other offenses.

The Animal Legal and Historical Center at the Michigan State University College of Law describes dogfighting in these stark terms: "The notion that dogfighting is simply an animal welfare issue is clearly erroneous. Until the past decade, few law enforcement officials or government agencies understood the scope or gravity of dogfighting. As these departments have become more educated about the epidemic of dogfighting and its nexus with gang activity, drug distribution rings, and gambling networks, many have implemented well designed, sophisticated task forces. The magnitude of criminal activity concurrently taking place at the average dogfight is of such a scope as to warrant the involvement of a wide range of agencies, including local, regional, and federal law enforcement agencies and their specialized divisions such as organized crime units, SWAT teams, and vice squads, as well as animal control agencies and child protective services."

Further evidence of the accuracy of the above assessment comes from a U.S. Drug Enforcement Administration report on the sentencing of a Louisiana drug trafficking kingpin, which described him as "an avid pit bull and cock fighter [who] utilized these illegal events as a networking tool in order to recruit members to transport and sell marijuana and cocaine for his organization."

Animal fighting is barbaric and is a violent crime in the truest sense of the term. It causes immense suffering to countless numbers of innocent animals and its presence threatens the safety of the entire community. It is illegal under both state and federal law, so it well serves the entire community for law enforcement to have the most powerful tools possible to eradicate it. In fact, legislation has been introduced in the House and Senate that would add to these tools by closing a significant loophole in the law. Animal fighting is fueled not just by those who train and fight the animals and finance the fights, but also by spectators. Spectators are not innocent bystanders; they are active participants in and enablers of these criminal enterprises—and they also provide "cover" during raids by allowing the organizers, trainers, etc., to "blend into the crowd" to escape arrest. The Animal Fighting Spectator Prohibition Act (H.R. 2492 and S. 1947) makes knowingly

attending an animal fight punishable by fines and jail time and also makes it a separate offense, with higher penalties, to knowingly bring a minor to such an event. Forty-nine states have already outlawed attendance at an animal fight.

At the same time, it must be remembered that animal abuse is more than a “gateway” behavior. It is also a crime in its own right. It is a crime everywhere in the U.S., and certain egregious acts are felonies in 47 states (it was 46 this time last year!) and the District of Columbia. Some states have even enacted or are considering provisions that enhance the penalty for animal cruelty when it is committed in front of a child. Twenty-two states also now allow the inclusion of companion animals in domestic violence restraining orders.

All laws are not created equal, however; activity that constitutes a felony in one state may still only be a misdemeanor in another. In some states, cruelty rises to a felony only upon a second or third offense, or only if the animal dies; if he survives, no matter how severe his injuries, it is still a misdemeanor.

The key to offering animals the most protection possible, however weak or strong the statute, lies in ensuring both awareness of the law and vigorous enforcement of that law and prosecution of violators. While there are many in law enforcement and the courts who recognize animal abuse for the violent crime that it is and act accordingly, there are those who do not take it seriously, treating it as no more urgent than a parking infraction. Others genuinely want to act decisively but may lack the necessary resources, support, or expertise. Moreover, enforcement can be complicated by the laws themselves—weak laws are bad enough, but additional problems may arise from confusion over jurisdiction or limitations in coverage—or by pressure to dispose of cases quickly.

That is why BJA’s National Animal Cruelty and Animal Fighting Initiative is so valuable and forward-thinking. It recognizes that animal cruelty and animal fighting crimes not only victimize some of the most innocent and vulnerable members of society, but also create a culture of violence—and a cadre of violent offenders—that affects children, families in general, and society at large. Therefore, preventing and prosecuting these crimes will benefit not only the animals, but the entire community by reducing the overall level of violence.

There are two audiences for the message and resources the BJA initiative makes available: those who still need to be convinced of the importance of preventing and punishing animal-related crimes, for the sake both of the animals and of the larger community, and those who are dedicated to bringing strong and effective cases against animal abusers but may need assistance to do so.

OJP/BJA showed great vision in recognizing that by identifying precursor crimes, such as animal cruelty and animal fighting, and ensuring adequate adjudication of such cases, our criminal justice system can reduce the incidence of family and community violence and change the path of potential future violent offenders. The National Animal Cruelty and Animal Fighting Initiative sends a very strong message to prosecutors and law enforcement that crimes involving animals are to be taken seriously and pursued vigorously, and offenders must be held accountable.

ⁱ The study "I'll only help you if you have two legs," or Why human services professional should pay attention to cases involving cruelty to animals, by Loar (1999), as cited on the website of the National Coalition Against Domestic Violence (www.ncadv.org)

ⁱⁱ "Woman's Best Friend: Pet Abuse and the Role of Companion Animals in the Lives of Battered Women," by Flynn (2000), as cited at www.ncadv.org

Mr. WOLF. Thank you very much. I appreciate your testimony and appreciate your good work.

Mr. Fattah.

Mr. FATTAH. Thank you very much.

Ms. BLANEY. Thank you.

Mr. WOLF. Thank you.

The next witness will be Bill Mefford, director of Civil and Human Rights, the General Board of Church and Society, United Methodist Church, who will discuss prison overcrowding.

Yes, sir. Welcome. Your full statement—all the statements will appear in the record as if read.

THURSDAY, MARCH 22, 2012.

GENERAL BOARD OF CHURCH AND SOCIETY, UNITED METHODIST CHURCH

WITNESS

BILL MEFFORD, DIRECTOR, CIVIL AND HUMAN RIGHTS

Mr. MEFFORD. Thank you, Chairman Wolf and Ranking Member Fattah and the Members of the subcommittee, for allowing me to testify today.

Today I represent the United Methodist Church in numerous civil rights, legal, religious, and criminal justice organizations. We are unified in our opposition to appropriating any new funds for the expansion of federal prison capacity or contracting new private prison beds that is now being proposed by the Obama administration which includes a \$278 million increase in fiscal year 2013 budget over the budget from last year for the Bureau of Prisons.

We believe that numerous administrative and legislative options are available that could more effectively address the federal prison population crisis and save taxpayers money.

Currently a record 217,000 people are confined with BOP operated facilities. Over the last 30 years, the size of the federal prison system has increased nearly 800 percent largely due to the overrepresentation of those convicted of drug offenses, many of whom are low level and nonviolent.

In fact, BOP director Charles Samuels testified before this committee earlier this month and singled out the excessive sentences and increasing prosecution for drug offenses as the primary contributor to the exploding prison growth.

In addition to administrative recommendations which I will highlight, Congress can and must take legislative action to change the course of unrestrained incarceration. Briefly some of those legislative proposals that we are recommending include expanding the time credits for good behavior from the current 47 days per year implemented by BOP to the mandated 54 days.

Number two, home confinement for elderly prisoners who pose no risk to local communities, and, number three, ending mandatory minimum sentences for drug sentencing.

It is critical that the crisis of the unsustainable federal prison population be addressed. Before this committee endorses BOP's request to Congress for fiscal year 2013, the agency should be asked

to demonstrate that it has maximized cost savings and sentence reduction opportunities, something that it was asked by the Senate Appropriations Committee to do in 2012.

We believe BOP has not done so in the current budget justification.

There are also immediate administrative steps that can be taken to help save money, maintain public safety, and put a curb on the uncontrolled and unrestrained incarceration.

Number one, expand BOP's residential drug abuse treatment program otherwise known as RDAT. Though Congress created up to a year's sentence reduction incentive for prisoners convicted of nonviolent offenses and eligible for substance abuse treatment while in custody, the cost savings of this program have not yet been realized.

According to a recent GAO report, from 2009 to 2011 only 19 percent of those who qualified for a 12-month sentence reduction after completing the program actually received the maximum sentence reduction.

We support BOP's recent 2013 budget request to enhance RDAT, but we also urge that BOP prioritize RDAT slots for those prisoners who are eligible for a sentence reduction and also broaden the definition of eligibility.

We know that even now \$25 million could be saved each year if low level, undocumented immigrants remain eligible for RDAT as well.

Number two, expand BOP's implementation of compassionate release. In addition to those who are terminally ill, compassionate release should be considered for inmates with medical conditions who have served at least 67 percent of their sentence, which was also endorsed by the Obama administration, and when it involves the death or incapacitation of the inmate's only family member capable of caring for the inmate's minor child.

Number three, expand the use of residential reentry centers or home confinement for up to the last 12 months of sentences in order for inmates to prepare to return to society. Utilizing both residential reentry centers and home detention more effectively will both save money and promote successful reentry and public safety.

Thank you for the opportunity to testify. We look forward to working with you.

[The information follows:]

**TESTIMONY OF BILL MEFFORD, DIRECTOR FOR CIVIL AND HUMAN RIGHTS
UNITED METHODIST CHURCH, GENERAL BOARD OF CHURCH AND SOCIETY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON COMMERCE,
JUSTICE, SCIENCE AND RELATED AGENCIES**

March 22, 2012

Thank you Chairman Wolf and Ranking Member Fattah for providing me the opportunity to testify before you today on behalf of the United Methodist Church and numerous civil rights, legal, religious and criminal justice organizations concerned about the increasing budget expenditures for the Federal Bureau of Prisons (BOP). President Barack Obama's FY 2013 budget request for the federal prison system totals \$6.9 billion, an increase of \$278 million over the FY 2012 enacted budget for the Bureau.¹ The organizations I represent today are unified in our opposition to appropriating any new funds for the expansion of federal prison capacity or contracting new private prison beds as is now being proposed by the Obama Administration. We do support the allocation of new funds to expand programming opportunities for prisoners, such as the \$13 million requested for the Residential Drug Abuse Program which could lead to significant cost savings due to the sentence reduction incentive associated with the program. Moreover, we believe that numerous administrative and legislative options are available that could more effectively address the federal prison population crisis and save taxpayers money.

A record 217,000 people are currently confined within BOP-operated facilities or in privately managed or community-based institutions and jails. The population is projected to increase to approximately 229,300 by the close of FY 2013.² Indeed, over the last 30 years the size of the federal prison system has increased exponentially, nearly 800 percent, largely due to the overrepresentation of those convicted of drug offenses, many of whom are low-level and non-violent. Overcrowding plagues the federal system, operating at 38 percent over rated capacity, but we cannot build ourselves out of this crisis. Disproportionate investment in prison expansion has diminished attention to viable and fiscally sound alternatives to prison and weakened the concept that prison should be the sanction of last resort.

It is critical that the crisis of the surging, unsustainable federal prison population be addressed, lest it "engulf the Justice Department's budgetary resources."³ Congress must courageously embrace the challenge to change the course of unrestrained incarceration, with its concomitant human and fiscal costs, and this Committee must weigh the efficacy of current policies and spending against the less costly and more effective alternatives I will outline.

Administration should better utilize existing authority to cut cost while protecting safety

In the FY 2012 Appropriations report language, the Senate Appropriations Committee called on the Justice Department and BOP to maximize cost savings and sentence reduction opportunities where they have a neutral or positive impact on public safety.⁴ The Senate

¹ U.S. DEP'T OF JUSTICE, FY 2012 BUDGET AND PERFORMANCE SUMMARY: FEDERAL PRISON SYSTEM (2012), at <http://www.justice.gov/jmd/2013summary/pdf/fy13-bop-bud-summary.pdf> (hereinafter "DOJ Budget Summary").

² DOJ Budget Summary.

³ Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012, H.R. 2596, 112th Cong. (2012).

⁴ S. REP. NO. 112-78, at 62 (2012).

Appropriations Committee urged the BOP to use its operational discretion under 18 U.S.C. § 3624 to, among other things, maximize the reentry time prisoners spend in residential reentry centers as well as home confinement; use its direct designation authority under 18 U.S.C. § 3621(b) robustly; expand the criteria for and use of “compassionate release” under 18 U.S.C. § 3582(c)(1)(A); and expand the use of the Residential Drug Abuse Program by removing barriers to full use of the program.⁵

Before this Committee endorses the BOP’s request to Congress for FY 2013, the agency should be asked to demonstrate that it has maximized cost savings and sentence reduction opportunities. The Bureau has not done so in the current budget justification. Going forward, we urge this Committee to require the Department of Justice and BOP to adopt the practices described below. None of these recommendations require new authority and all would provide offsets for other spending that better meets public safety.

Residential Drug Abuse Treatment Program

The Department can and should expand the use of the BOPs’ Residential Drug Abuse Treatment Program (RDAP). Congress mandated that the BOP make available substance abuse treatment for each prisoner in BOP custody with a “treatable condition of substance addiction or abuse” and created an incentive for prisoners convicted of nonviolent offenses to complete the program by authorizing a reduction of incarceration of up to one year. However, the full cost-saving benefits of RDAP are not currently being realized. For example, according to a recent GAO report that assessed the program, over the last three years (2009-2011) only 19% of those who qualified for a 12-month sentence reduction after completing the program received the maximum sentence reduction. On average, eligible RDAP graduates received only an eight-month reduction.⁶ While we support the BOP’s recent 2013 budget request to “enhance” RDAP and allow eligible graduates to benefit from the full 12-month reduction by ensuring timely placement in the program, we also believe that the BOP can change its own policy in candidate placement by prioritizing RDAP slots for those prisoners who are eligible for a sentence reduction.

BOP also has an opportunity to significantly expand the eligible pool of prisoners benefiting from a sentence reduction and further increase savings and reduce overcrowding. For example, BOP should revise its definition of “violent offender” to exclude prisoners whose offense involved possession of a firearm, rather than actual violence. Moreover, because BOP policy requires completion of RDAP in a community corrections facility, those prisoners with detainees are barred from residential placement and cannot benefit from RDAP’s sentence reduction. Many of those disqualified are low-level undocumented immigrant prisoners. Changing BOP policy to allow completion of RDAP by this population alone would save \$25 million each year because of reduced time in prison, according to BOP estimates.⁷ We are encouraged that the BOP is considering this policy change and urge the Committee to support participation by undocumented immigrant prisoners.

⁵ *Id.* at 62.

⁶ GOVERNMENT ACCOUNTABILITY OFFICE, ELIGIBILITY AND CAPACITY IMPACT USE OF FLEXIBILITIES TO REDUCE INMATES’ TIME IN PRISON 13-14 (2012), available at <http://www.gao.gov/products/GAO-12-320> (hereinafter “GAO Report”).

⁷ GAO Report at 35.

Compassionate Release

Unless one of several rare exceptions applies, a court may not revisit a sentence once a conviction is finalized.⁸ One of those exceptions is when the Director of the BOP asks the court to reduce a sentence because “extraordinary and compelling” reasons warrant such a reduction.⁹ The Bureau has interpreted “extraordinary and compelling circumstances” as limited to those cases where the prisoner has a terminal illness with a life expectancy of 1 year or less or has a profoundly debilitating medical condition.¹⁰ In 2007, following a period of public comment, the U. S. Sentencing Commission promulgated a guideline that delineated circumstances a court considering a motion from the BOP could account for.¹¹ Among the circumstances that could be considered sufficient to warrant a motion were not only terminal illness or severe and permanent medical condition, but also “the death or incapacitation of the inmate’s only family member capable of caring for the inmate’s minor child or children or any other reason determined by the Director.”¹²

The current sentence reduction authority is rarely invoked and only, as far as we can tell, in cases of the prisoner’s impending death or complete debilitation.¹³ We are encouraged that the President’s budget proposal includes a commitment to “expand compassionate release criteria to inmates with medical conditions that have served at least 67 percent of their sentence [for non-violent offenses and no sex offenses].”¹⁴ We hope this Committee will request that the Department make clear that the authority can and should be used in cases where the prisoner has served less than 67 percent of the sentence and clarify as well the contours of “medical conditions.” Additionally, we ask that the Committee urge the Department to look beyond medical conditions and instruct that the BOP bring motions before the sentencing judge in all cases where the petitioner’s circumstances meet the criteria laid out in U.S.S.G. § 1B1.13.

Community Confinement

The BOP is obligated by law to ensure prisoners an opportunity to spend a portion of time at the end of their sentences “(not to exceed 12 months) under conditions that will afford [them] a reasonable opportunity” to prepare to return to society.¹⁵ The statute provides that the BOP may transfer eligible inmates to contract residential re-entry centers (RRCs), also called halfway houses, and, up to the lesser of 6 months or ten percent of the term of imprisonment, in home confinement for up to the one-year total that Congress directs in the Second Chance Act.¹⁶

The Second Chance Act sponsors understood the role that halfway houses play in the management of federal prisoners and explicitly rejected the Bureau’s alteration of policies in 2002 and 2005 limiting halfway house use, and expanded the law’s guarantee of consideration for pre-release programming from six to 12 months. The Second Chance Act specifically amended the law governing RRC transfers to instruct the BOP to ensure that placement in community corrections be “of sufficient duration to provide the greatest likelihood of successful reintegration

⁸ See 18 U.S.C. § 3582.

⁹ See 18 U.S.C. § 3582(c)(1)(A).

¹⁰ GAO Report at 25.

¹¹ See U.S.S.G. § 1B1.13.

¹² See U.S.S.G. § 1B1.13, app. note A.

¹³ See GAO Report, pp. 26 (only 55 cases between 2009 and 2011 granted).

¹⁴ DOJ Budget Summary.

¹⁵ 18 U.S.C. § 3624(c)(1).

¹⁶ Second Chance Act of 2007, Pub. L. No. 110-199, § 251 (2008).

into the community.”¹⁷ Stays in RRCs alone in 2010 averaged only 95 days and prisoners released to RRCS and home detention averaged 4.5 months.¹⁸ Although the BOP has started to give staff more discretion about how much time prisoners must serve in halfway houses, who should be placed in a halfway house, and who may be placed directly on home confinement, much more needs to be done to ensure that prisoners benefit from the full 12-month reentry period. While the BOP cites high costs and lack of space, the 2012 GAO report points out that the BOP failed to clarify the cost of RRC beds and home detention services and that it provided “no road map” as to how to secure this information.

The limited use of RRCs and home detention is an area where the BOP can improve the implementation of the Second Chance Act directives. Doing so will both save money and promote successful reentry and public safety. We urge the Committee to request the status of the annual reports obliged by the Second Chance Act on the implementation of community corrections¹⁹; to ascertain up-to-date costs and savings possible under the program; to ask the BOP why its use of halfway houses and home detention has been so sparing; and determine what the BOP might need to implement the directives in the Second Chance Act.

Administrative changes in these three areas would both save money and promote successful reentry and public safety. We urge the Committee to use its influence to promote these effective proposals.

Congress should take legislative action to address prison crowding crisis

Recent testimony by the new BOP Director Charles Samuels stated that given the influx of prisoners entering the federal prison system each year, even the allocation of new resources to open at least 3 new facilities in the next year will not alter the currently dangerous overcrowded conditions within federal prisons.²⁰ Indeed in testimony before this Committee earlier this month, Director Samuels singled out the excessive sentences and increasing prosecutions for drug offenses as the primary contributor to the continued population growth. He stated, “Drug offenders comprise the largest single offender group admitted to Federal prison and sentences for drug offenses are much longer than those for most other offense categories.”²¹ Administrative changes alone will not slow unsustainable prison population growth. Congress must also act to reduce the population. We urge this Committee to use its influence to urge those members of Congress who oversee the authorization of federal sentencing policy to implement modest and innovative reforms that follow the lead of many state lawmakers seeking to reduce corrections systems while maintaining public safety.

Time Credits for Good Behavior

¹⁷ 18 U.S.C. § 3624(c)(6).

¹⁸ GAO Report at 17, Tbl. 2.

¹⁹ 18 U.S.C. § 3624(c)(5).

²⁰ Public Hearing, U.S. Sentencing Commission 32-33 (Feb. 16, 2012) (statement of Charles E. Samuels, Director of the Federal Bureau of Prisons), available at http://www.ussc.gov/Legislative_and_Public_Affairs/Public_Hearings_and_Meetings/20120215-16/Hearing_Transcript_20120216.pdf.

²¹ *Hearing on Federal Bureau of Prisons FY 2013 Budget Request Before the House Comm. on Appropriations, Subcomm. on Commerce, Justice, Science, and Related Agencies*, 112th Cong. 3 (March 6, 2012) (statement of Charles E. Samuels, Director of the Federal Bureau of Prisons), available at http://appropriations.house.gov/UploadedFiles/03.06.12_CJS_-_DOJ_-_Charles_Samuels_-_Testimony.pdf.

We endorse offset proposals offered in the President's budget request that would adjust the method of calculating good time credits for federal prisoners. Under the BOP's interpretation of current law, the good time allocation only reduces a prisoner's sentence to a maximum credit of 47 days per year, which is 7 days less than the 54 days intended. This decision results in unnecessary increases in prison sentences at significant cost. The Administration's legislative proposal to increase good time credits by 7 days, coupled with its proposal to adopt time credits that can be earned for successful participation in recidivism-reducing programs, such as education or occupational programming, is sound, and would be effective at enhancing rehabilitation efforts and limiting overcrowding.

Home Confinement for Elderly Prisoners

The average cost of housing elderly prisoners is between two and three times that of younger prisoners.²² At the same time, aging is correlated with diminishing risk of recidivism. Incarcerating elderly, nonviolent inmates who no longer pose a threat to the community wastes enormous sums of federal resources and these costs will continue to rise as the elderly prison population grows. Forty-one states have already embraced some version of a limited early release program for elderly inmates. Congress should reauthorize and expand the provision of the Second Chance Act that included a pilot program to allow for the home confinement of elderly prisoners.

Proportionality in Drug Sentencing

The excessive mandatory minimum sentences associated with drug offenses have led to an overrepresentation of drug offenders in the federal criminal justice system. Restoring federal judicial discretion in drug cases by eliminating mandatory minimum sentences would allow defendants to receive punishments more proportional to the offense they committed and that better account for culpability.

A recent report by the U.S. Sentencing Commission on mandatory minimum sentences concluded that certain mandatory minimum penalties apply too broadly, are excessively severe, and are applied inconsistently in the federal system.²³ The Commission found that partly as a result of the increase in mandatory minimums, the federal prison population and spending on federal prisons has exploded. We encourage the Committee to consider the Commission's criticism of mandatory minimums, and support the elimination of mandatory minimum sentences for drug offenses.

Thank you for this opportunity to testify. We look forward to working with the Committee during the ongoing FY 2013 appropriations process to advance these important principles.

²² Anno, B.J., Graham, C., Lawrence, J.E., & Shansky, R. (2004). *Correctional Healthcare: Addressing the needs of elderly, chronically ill, and terminally ill inmates*. Washington, DC: U.S. Department of Justice, National Institute of Corrections. Available at <http://static.nicic.gov/Library/018735.pdf>.

²³ U.S. SENTENCING COMMISSION, REPORT TO THE CONGRESS: MANDATORY MINIMUM PENALTIES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM 367-69 (2011), available at http://www.ussc.gov/Legislative_and_Public_Affairs/Congressional_Testimony_and_Reports/Mandatory_Minimum_Penalties/20111031_RtC_Mandatory_Minimum.cfm.

Mr. WOLF. Thank you very much. Appreciate your testimony.
Mr. Fattah.

Mr. FATTAH. Thank you for your testimony and thank you for the work that you and the community of faith are doing on this issue. Thank you.

Mr. MEFFORD. Thank you. Thank you very much.

Mr. WOLF. The next witness will be Kelly Harbitter, programs and policy advisor for SEARCH, the National Consortium for Justice Information and Statistics.

You may proceed.

THURSDAY, MARCH 22, 2012.

SEARCH, THE NATIONAL CONSORTIUM FOR JUSTICE INFORMATION AND STATISTICS

WITNESS

**KELLY HARBITTER, PROGRAMS AND POLICY ADVISOR, SEARCH, THE
NATIONAL CONSORTIUM FOR JUSTICE INFORMATION AND STATIS-
TICS**

Ms. HARBITTER. Good morning, Mr. Chairman. Thank you.

And thank you, Mr. Fattah, for the opportunity to talk to you today about Department of Justice appropriations in the fiscal 2013 bill, specifically for the National Criminal History Improvement Program, NCHIP.

SEARCH is a state criminal justice organization made up of governors' appointees from each of the states. Many of our members oversee the state criminal history repositories and other justice information sharing systems.

As you well know, NCHIP received an allocation of \$5 million in the recent budget proposals and our members recognize that these are difficult budgetary times. And they have been judicious in their investment in criminal history records improvement over the last several years.

But the criminal and noncriminal justice demand for these accurate, complete, and timely criminal records continues to grow at a very rapid pace and there should be a priority placed on the NCHIP funding.

Despite the single digit budget allocations for NCHIP last year, states submitted viable applications for funding that have come in at nearly five times the available amount.

So we recommend that NCHIP receive an appropriations of \$25 million. It reflects the Nation's pressing need to continue to improve the quality and completeness of criminal history records.

So I would like to highlight four key points today. Number one, NCHIP is a long-standing successful program. It is a program that has a proven record of success. States have made real measurable progress towards improving their records and the Bureau of Justice statistics has provided strong oversight and auditing of the program as has been noted in two GAO reports in the last decade.

Number two, the demand for these records is growing exponentially while funding rapidly declines. The Nation's criminal history record system plays a more vital and comprehensive role in public safety decision making today than ever before including for law en-

forcement investigations, officer safety, for sentencing and other criminal justice purposes, but also for expungement and support for successful reentry programs and for homeland security and anti-terrorism initiatives.

But meanwhile the demand for the record for noncriminal justice records continues to rise including for security clearances, employment, volunteer suitability. That has grown exponentially.

The public demands that gun dealers, employers, volunteer organizations, and others are carefully screening the criminal backgrounds of individuals who want to purchase a gun or who are applying to take on sensitive security related positions or who are going to interact with our vulnerable populations, the children, the elderly, the disabled, and others.

NCHIP funding, however, has seen a steady and dramatic decline in the past several years and, in fact, the program has been cut by 50 percent since 2010.

Number three, if the state records are weakened, so, too, is the effectiveness of the national system. Continued funding reductions negatively impact the states and the Nation. This is a national network and we expect criminal history records from California to Virginia to have the same standards for quality and accuracy and completeness as in any other state.

More broadly, the state criminal history records are the primary source for the FBI's interstate identification index, the III. Indeed, 70 percent of all III records are maintained by the states.

Any weakness in the states affects the ability of state, national, and federal programs to identify threats and keep our citizens safe.

And, finally, number four, the states have been successful with NCHIP. The Virginia State Police set up electronic access to criminal records on site at gun shows ensuring rapid response in keeping guns out of individuals' hands that should not have them.

California used NCHIP funding to make disposition reporting process nearly entirely electronic resulting in quicker access to more accurate and complete information without manual intervention.

New York focused its NCHIP funding on solving the problem of missing dispositions. The state now maintains a 92 percent disposition completion rate.

And like many states, Georgia and Hawaii used NCHIP funding to implement live scan devices, mug shot imaging systems, and to improve important critical protection order systems and their sex offender registries.

So we urge Congress to increase support to this vital national system. Our Nation's criminal history records and the ability of state and local criminal justice agencies to share quality information helps keep our country safe.

So thank you for your time today.

[The information follows:]

SEARCH*The National Consortium for Justice Information and Statistics*

Captain Thomas W. Turner
Chairman



Ronald P. Hawley
Executive Director

Prepared Testimony of Kelly Harbitter, Programs and Policy Advisor
SEARCH, The National Consortium for Justice Information and Statistics

March 22, 2012

Introduction

I am Kelly Harbitter, Programs and Policy Advisor for SEARCH. Thank you, Mr. Chairman and members of the Subcommittee, for the opportunity to speak to you today on the Department of Justice (DOJ) funding to be provided for in the FY13 Commerce, Justice, Science, and Related Agencies appropriations bill. SEARCH recommends that the National Criminal History Improvement Program (NCHIP) receive appropriations of \$25 million.

SEARCH is a state criminal justice support organization created by the states and comprised of governors' appointees from each state. Each state pays dues annually. SEARCH's mission is to promote the effective use of information and identification technology by justice agencies nationwide. SEARCH has a long-standing partnership with DOJ to promote information sharing, as well as to protect personal privacy within the criminal justice community. It is from this perspective – and on behalf of these state partners – that I would like to address the level of NCHIP funding as set forth in the President's proposed budget released on February 13, 2012.

As you know, NCHIP received an allocation of \$5 million in the recent budget proposal. SEARCH recognizes that these are difficult budgetary times, and as such, the states have been judicious in their investment in criminal history improvement over the past several years. But the demand for accurate, complete and timely criminal records continues to grow at a rapid pace, and there should be a priority placed on NCHIP funding. Indeed, despite the single digit budget allocations, state applications for NCHIP funding over the last several years have been nearly five times the budgeted amounts. SEARCH recommends that NCHIP receive appropriations at a level considerably higher than the President's proposal, at \$25 million rather than \$5 million. This level of funding reflects the state's identified needs and will enable states and territories to continue to improve the quality, timeliness, and accessibility of criminal history records.

National Criminal History Improvement Program

The NCHIP program was first initiated in 1995, and has been extraordinarily successful in helping states to improve the accuracy, reliability and completeness of their automated, criminal history record systems.

DOJ administers NCHIP through the Bureau of Justice Statistics (BJS) in DOJ's Office of Justice Programs (OJP). NCHIP responds to a DOJ objective to enhance the criminal justice capabilities of state governments by improving the accuracy, completeness and timeliness of criminal history records. These state systems support federal records systems, including the Federal Bureau of Investigation (FBI) Interstate Identification Index (III).¹ Seventy percent (70%) of all III records are maintained by the states and thirty percent (30%) are maintained by the FBI.²

BJS, with limited funding, has been widely recognized for its extraordinary efficiency, effectiveness and accomplishments in the NCHIP program. The last two Government Accountability Office (GAO) reports on NCHIP (in 2004 and 2008) highlighted the program's continued success in meeting its goals and the significant progress states made toward automating state criminal history records and making them accessible nationally.³ The reports also noted BJS' adherence and enforcement to the important oversight issues Congress is concerned with regarding grant programs today. Indeed, the states – including the state repositories – have devoted massive efforts and resources over many years toward building automated, criminal history record databases that are accurate, complete and reliable. Notwithstanding the efforts of BJS and the states, there continue to be significant shortfalls in arrest reporting; in disposition reporting; and in accuracy and data quality. Most significantly, approximately one half of arrest records contained in the FBI III database are missing dispositions.⁴

NCHIP Funding

The President's FY13 budget would provide \$5 million dollars for NCHIP. This is not a sufficient amount to promote the program's success.

Despite NCHIP's noted success, this gradual reduction in funding has adversely affected the program. NCHIP has been so significantly under-funded that some states no longer receive any allocation from the NCHIP grants. A pattern of underfunding state efforts to maintain effective criminal history records reverberates across the entire criminal justice system, not only in the individual states. Because state criminal history records are the primary source for the FBI III database, any constraints on the states weakens the ability of many federal programs to identify threats and keep our nation safe.

In fact, the accuracy, completeness and reliability of the nation's criminal history record system has a more important and comprehensive impact today than ever before, including for law enforcement investigations; for officer safety; for sentencing and other criminal justice

¹ The Interstate Identification Index is the national system designed to provide automated criminal history record information. The III stores the criminal history records of federal offenders and records of offenders submitted by all states and territories.

² Survey of State Criminal History Information Systems 2010, Bureau of Justice Statistics, U.S. Department of Justice, Office of Justice Programs (November 2011) (available at: <https://www.ncjrs.gov/pdffiles1/bjs/grants/237253.pdf>)

³ See GAO reports (available at: <http://www.gao.gov/new.items/d04364.pdf>; <http://www.gao.gov/new.items/d08898r.pdf>).

⁴ The Attorney General's Report on Criminal History Background Checks, United States Department of Justice, Section III.6, p. 18 (June 2006) (available at: http://www.justice.gov/olp/ag_bgchecks_report.pdf).

purposes; for expungement and other reentry strategies; for homeland security and anti-terrorism purposes; for public non-criminal justice purposes, including security clearances and employment suitability; for private sector risk management purposes; and for research and statistical programs that provide critical guidance for justice assistance decisions and for shaping law and policy. Without an adequate level of funding for the states, the quality of criminal records available nationwide will be negatively impacted.

State Successes with NCHIP Funding

Virginia

With NCHIP funds, the Virginia State Police personnel provide electronic access to criminal history records on-site at gun shows. This ensures rapid response to the National Instant Criminal Background Check System (NICS) and prevents the transfer of firearms to prohibited persons.

NCHIP funds have also furthered efforts in Virginia to improve the completeness and accuracy of Computerized Criminal History files and the Court Automated Information System. Between October 2010 and December 2011, the completion rate for missing dispositions reached approximately ninety-five percent (95%). Virginia plans to use NCHIP funds to achieve additional goals to research, resolve, and enter as many missing final court dispositions associated with Virginia criminal history records as possible, as well as assist with the ever-increasing problem of juvenile arrests and dispositions.

California

The California Department of Justice (CA DOJ) has received NCHIP grant awards annually since the program's inception. NCHIP funding has assisted CA DOJ significantly in its efforts to improve the accuracy and accessibility of the state's criminal history records. For example, NCHIP funds help support a system that provides the state and its local agencies more flexibility in performing detailed analysis, plotting trends, and the ability to make better criminal justice decisions in a timely manner. Meanwhile, NCHIP-funded enhancements to disposition processing made it possible to update approximately ninety percent (90%) of electronic dispositions submitted to the CA DOJ without costly manual intervention. More broadly, NCHIP-funded technical enhancements have allowed for maximum interoperability for sharing criminal history information in all of California's local and state entities and with the federal government. And finally, California intends to lead the effort in the development of a standardized rap sheet to promote criminal history information sharing in real time between other states. NCHIP funding will assist in this exchange effort.

New York

New York has used NCHIP funds since the beginning of the program to support major initiatives to modernize and vastly improve the ability to provide critical information services to New York's state and local criminal justice agencies. One of the most important achievements has been to solve the problem of missing dispositions in the criminal history repository. Working with the courts, the state repository agency identified system and database problems that contributed to unresolved arrest events. The attention to these problems resulted in a completion rate for missing dispositions of greater than ninety-two percent (92%).

NCHIP funds also supported enhancements to domestic incident reporting practices in New York. Law enforcement officers, preparing to execute a warrant at a suspect's home, benefit from knowing if the suspect has any criminal history in domestic violence. These funds were also used to develop the New York State Integrated Justice portal, a single access point for public safety practitioners to access the state's justice systems and data.

Nevada

The Nevada Department of Public Safety was able to clear a backlog of over 300,000 court dispositions with NCHIP funding. The Department says this monumental task could not have been completed without NCHIP funding.

Georgia

Georgia has actively used NCHIP to improve the quality, completeness and accessibility of criminal history information available to criminal justice agencies. NCHIP funding has served as a catalyst in ensuring that the most current criminal history data is available and accessible for criminal justice needs, as well as to the general public where applicable. Since the program's inception, Georgia has implemented: live scan fingerprint devices across the state, mugshot imaging transmission, both temporary and permanent protection order registries, the Sexually Violent Offender Registry project, electronic rap sheets, an electronic prosecutor interface, and many other systems enhancements.

Alaska

Alaska has used NCHIP funding since 1996 for: independent repository audits; implementing automated interfaces and charge tracking systems; developing uniform offense citations table; addressing missing dispositions critical to NICS, recidivism studies and the repository; implementing Live Scan stations, (which raised compliance rates from fifty-six percent (56%) to over ninety percent (90%) for mandatory fingerprinting at the Anchorage courthouse during the two year pilot project); the electronic sharing of automated court criminal records and more. Undertaking these projects would not have been possible without the help from NCHIP.

Hawaii

In Hawaii, NCHIP funding has been indispensable to laying the foundation for the state's fully integrated justice information sharing system. The Hawaii Integrated Justice Information Sharing (HIJIS) was designed to build statewide information sharing capabilities across the whole of the justice and public safety enterprise, to facilitate information exchange with federal, state, county agencies, and to leverage national information sharing standards and best practices. In addition, among the many activities that Hawaii's NCHIP funding has allowed the state to accomplish are the following:

- Design, develop, and implement CJIS-Hawaii, the enhanced statewide criminal history record information system;
- Partnership with the state court system to share real-time disposition and court status data;
- Enable CJIS-Hawaii to share information with the national NCIC Protection Order and National Sex Offender Registry systems;

- Implement a statewide integrated booking and mugshot system;
- Deploy livescans at all county police departments and Sheriff's Offices, accomplishing a paperless and electronic process end to end; and
- Design, develop, and implement a "lights out" automated identification process for the state so that response times are instantaneous and based on positive identification.

Conclusion

Congressional support through the NCHIP program to the state criminal history repositories is vital. The federal investment can be leveraged many times over by contributing to the ability of state and local criminal justice agencies to provide timely, accurate and compatible information to federal programs such as III.

On behalf of SEARCH, its governors' appointees, and the thousands of criminal justice officials who participate in the SEARCH network and who benefit from SEARCH's efforts, I thank you for your time. It has been a pleasure appearing here today.

Mr. WOLF. Well, thank you very much for your testimony.

Mr. Fattah.

Mr. FATTAH. Thank you very much.

Ms. HARBITTER. Thank you.

Mr. WOLF. Next will be Bill Piper, Drug Policy Alliance.

THURSDAY, MARCH 22, 2012.

DRUG POLICY ALLIANCE

WITNESS

BILL PIPER, DIRECTOR, NATIONAL AFFAIRS, DRUG POLICY ALLIANCE

Mr. PIPER. Good morning.

Mr. WOLF. Good morning.

Mr. PIPER. First let me apologize for walking in late. I beg forgiveness.

Mr. WOLF. That is fine.

Mr. PIPER. The Drug Policy Alliance is working to reduce the harms associated with both drug abuse and punitive drug policies and so we are very interested in shifting money from the federal supply side approach to drugs to a more demand and public health oriented approach.

Over the last 40 years, the U.S. has spent about a trillion dollars on the war on drugs and, yet, drugs remain cheap, potent, readily available in every community and incarceration has skyrocketed with five percent of the world's population, but 25 percent of the world's prison population.

I think Senator Webb is right when he says that either the U.S. has the most evil people in the world or our criminal justice system is broken. And I think a lot of people are probably going to talk about sentencing reform and things along those lines.

I just want to talk briefly about the role that federal grants to local and state law enforcement play in over-incarceration and in particular the Byrne Grant Program and the COPS Program.

So the Byrne Grant Program has been criticized from a variety of policy and political perspectives. The program insulates states from the full cost of current criminal justice policies. The evidence shows that unquestionably is driving mass incarceration at the local and state level.

Local and county police use federal Byrne money to arrest hundreds of thousands of people a year, in many cases for nonviolent drug offenses. Those people end up in many cases going into state prisons. And so even though the cities are getting help, it ends up costing the state governments billions of dollars.

Civil rights leaders have expressed concerns that the Byrne Program is enabling racial disparities. Calls for serious reform to the program have come from the ACLU, the Brennan Center, National Association of Blacks in Criminal Justice, National Black Police Association, and the voice of the Pío La Raza.

And on the other side of the perspective, a number of leading conservative organizations have written in favor of completely eliminating the program including American Conservative Union,

the Americans for Tax Reform, Citizens Against Government Waste, and the National Taxpayers Union.

I go into detail about, I think, some of the problems associated with the program in the written testimony, but I think the most important thing to stress is that it is not a result of a few bad apples in law enforcement. It is a result of a fundamentally flawed bureaucracy that is prone to corruption, especially with respect to regional narcotics task forces which are federally funded, state managed, and locally staffed. And GAO and others have really looked into this in detail.

With respect to COPS, I could not agree more with something Chairman Sensenbrenner said just a few weeks ago in his committee when he said it is clear to me that the purpose of the program has shifted from addressing violent crime nationwide to subsidizing state and local law enforcement agencies with budget problems. A responsibility to fund and manage routine state and local law enforcement efforts has been and should remain with the state and local governments. This program was intended to address an acute crime program that no longer exists and has now become a program to bail out state and local governments that make fiscally irresponsible decisions.

And so, you know, I think this money could be better used either focusing on things that are truly federal in nature, terrorism, border security, et cetera, or shifted to more effective ways of dealing with drugs.

And in particular, I want to thank the chairman and ranking member for your support for the Second Chance Act, which is crucial. And we recommend fully funding that program. It has never really been fully funded.

I think, you know, the Obama administration is advocating cuts to the Byrne Grant Program. You can use part of that to pay for the Second Chance Act. You know, we have hundreds of thousands of people that are coming out of jail each year and the Second Chance Act is providing, you know, mental health, substance abuse education, employment, everything that people need to get a second chance.

And, you know, we need to deal with the front end and stop sending so many people to prison. I think a lot of that, you know, has to be done through authorizing committee. But I think the back end, helping people when they get out to reduce recidivism this committee can do.

[The information follows:]

March 22, 2012

Testimony of Bill Piper, Director of National Affairs, Drug Policy Alliance, to the Commerce/Justice/Science Subcommittee of the House Committee on Appropriations Regarding Fiscal Year 2013.

Thank you Chairman Wolf and Ranking Member Fattah for the opportunity to present testimony regarding Fiscal Year 2013 appropriations on behalf of the Drug Policy Alliance. I will address the administration's Fiscal Year 2013 funding requests for Drug Courts (\$0), the Byrne brand of federal grant programs (\$458 million total for all subcategories), the COPS program (\$290 million), and the Second Chance Act (\$80 million). In the interest of full disclosure, it is worth noting that the Drug Policy Alliance's New Mexico office received a \$500,000 Byrne discretionary grant in 2006 to create a statewide methamphetamine prevention and education project directed at high-school-age youth.

I would first like to briefly explain Drug Policy Alliance's interest in these issues. The Drug Policy Alliance seeks to end our nation's longest war, the failed war on drugs, which was declared over forty years ago by President Nixon. Decades later, after the spending of more than a trillion dollars, the problems of drug addiction and adolescent access to drugs have clearly not been effectively addressed. Furthermore, the choice by policymakers to punish addicts for a condition that should be treated as a health problem, and to treat people who use drugs but do no harm to others as criminals, and even worse, as an internal enemy to wage war on, has only added to the problems directly related to drugs and drug use.

Punitive drug policies have not only failed to reduce drug-related harm, they have in many instances exacerbated those harms, while creating new social problems of their own. Mass incarceration, racial disparities in enforcement, disenfranchisement, rising overdose fatalities, barriers to education and employment, barriers to effective addiction treatment, lack of effective means of preventing adolescent access to drugs, and the criminalization of millions of otherwise law-abiding citizens at great taxpayer expense are just some of the problems produced by the failed war on drugs.

The failed drug war is the principal driver of the growth in our nation's prison population. For us, as advocates of more effective, affordable and humane drug policies, issues of criminal justice, racial justice, and incarceration are indissoluble from the problem of our failed drug policies. For that reason, we are actively concerned with the accounts and the issues I have cited.

In March of 2011, Drug Policy Alliance released the report, "Drug Courts Are Not the Answer: Toward a Health-Centered Approach to Drug Use". The report delivered, in essence, a three-point critique of the drug court model:

- ◆ Drug Courts have not demonstrated cost savings, reduced incarceration, or improved public safety.
- ◆ Drug courts leave many people worse off for trying.

- ♦ Drug courts have made the criminal justice system more punitive toward addiction – not less.

On the first point, we noted that evaluations of the drug court model often were conducted by creators of the programs under review, as well as poor evaluation design that essentially did not ask the right questions, resulting in research that was neither credible nor valuable.

On the second point, we noted that many people entering the drug court system had worse outcomes than if they had gone to treatment outside the criminal justice system, or even if they had been conventionally sentenced, in terms of relapse, recidivism and time served. Because drug court participants can be and often are locked up for relapses – a common and expected occurrence in the recovery process – many participants end up serving more days behind bars than if they had opted out of drug court, often because they gave up the opportunity to plead to a lesser charge as a condition for entering the program.

On the final point, we noted that while drug courts accept the disease model of addictive behavior, the process continues to penalize relapse with incarceration, as if it were a criminal act, rather than a health problem. Unlike health-centered programs, drug courts treat as secondary other important measures of stability and progress, including reduced drug use, improved health, and maintenance of relationships and employment.

We do understand that many people feel very strongly that their drug court experience set them on a better path and helped them rebuild their lives. The Drug Policy Alliance unreservedly acknowledges and celebrates these successes, and believes that drug courts can be a good way to treat certain categories of people, mainly people arrested for theft, assault, driving under the influence or other serious crimes where drug addiction might be a mitigating factor. Unfortunately, drug courts tend to exclude these types of offenders in favor of easy to manage possession offenders who not only may not need treatment but also may not be a threat to themselves or others. Drug courts often “cherry pick” people expected to do well. This is a waste of police and court resources.

As a matter of policy, we see the problems cited above, as well as an inability – acknowledged by the National Association of Drug Court Professionals – to compel drug courts to comply with best practices, creating ineffectiveness, inefficiency, and abuse. This was dramatically demonstrated around the time of our report in two cases profiled on the popular radio show, *This American Life*, which narrated the abuses of power in one drug court in Georgia operated by Judge Amanda Williams. Amanda Williams has since been forced off the bench and faces an ethics inquiry.

If NADCP is unable to guarantee adherence to best treatment practices, we feel it is appropriate for appropriators to step in and do so, to the degree that they are able. A sensible first step toward more fundamental reforms that may be in the domain of the authorizing committee would be to limit the use of federal funds – if appropriators choose to fund drug courts, despite the Administration’s choice not to request funds - to

those drug courts that allow the use of methadone or similar evidence-based treatments.

Too often drug court judges, not treatment professionals, make decisions about health and medicine that are self-evidently outside their expertise as judges not doctors. Methadone is the Institute of Medicine's "gold standard" of effective treatment for opiate addiction, and is endorsed by NADCP. Yet many drug court judges prohibit people struggling with heroin or Oxycontin addiction from using this life-saving addiction medication and then incarcerate them when they relapse. NADCP admits they do not have the power to compel adherence to this and other evidence-based standards; appropriators do. No federal money should go to a drug court that does not allow methadone or otherwise follow evidence-based treatment standards.

In the area of State and Local Law Enforcement Assistance, Drug Policy Alliance recommends shifting Byrne and COPS funding to more effective programs, such as the Second Chance Act.

The Byrne Grant Program has been criticized from a variety of policy and political perspectives. The program insulates states from the full cost of current law, policy, and practice, effectively preempting consideration of alternatives to incarceration. The evidence shows that it is unquestionably driving mass incarceration at the local and state level, splitting families apart and taxing state budgets. Local and county police use federal Byrne funding to arrest hundreds of thousands of Americans each year, in many cases for nonviolent drug offenses. Those offenders are often incarcerated in state prison. Federal subsidies to local law enforcement ends up costing state governments billions of dollars in prison expenditures each year. In state after state we see states paying for these increased expenditures through cuts to health and education, higher taxes, or both.

Civil rights leaders are concerned the Byrne programs subsidize and enable racial disparities and civil rights abuses. Calls for serious reform of the program have come from the ACLU, the Brennan Center, the National Association of Blacks in Criminal Justice, the National Black Police Association, NAACP, and National Council of La Raza. At least four leading conservative organizations have previously written in favor of eliminating Byrne: the American Conservative Union, Americans for Tax Reform, Citizens against Government Waste, and the National Taxpayers Union.

The Justice Policy Institute has documented that the largest single portion of Byrne funding has gone to "Regional Narcotics Task Forces (RNTF)." These task forces result in mass arrests of mostly low-level non-violent drug offenders, and perpetuate the well-documented, disproportionate impact of the drug war on poor people and people of color. The most spectacular example of this was the Tulia, Texas scandal of 2002, in which nearly ten percent of Tulia's black population was arrested on drug charges solely on the uncorroborated word of one man with a history of racism and lying who was working for the "Panhandle Regional Narcotics Task Force." Not only were these offenders later pardoned by Governor Perry, Texas went on to pass numerous drug policy reforms, including changing how the state deals with federal Byrne funding. Congress has yet to look at any of these reforms.

Scandals in other states include the misuse of millions of dollars in federal grant money in Kentucky and Massachusetts, false convictions based on police perjury in Missouri, and making deals with drug offenders to drop or lower their charges in exchange for money or vehicles in Alabama, Arkansas, Georgia, Massachusetts, New York, Ohio, and Wisconsin.

These scandals are not the result of a few “bad apples” in law enforcement; they are the result of a fundamentally flawed bureaucracy that is prone to corruption by its very structure. Byrne-funded regional narcotics task forces are federally funded, state-managed, and locally staffed. This division of the power to fund, hire, evaluate and fire makes real accountability and oversight difficult. In addition, the ability of task forces to perpetuate themselves through asset forfeiture and federal funding adds another layer of insulation from oversight by local taxpayers and authorities.

With a rising national debt, and a public that is in no mood to waste taxpayer money, Congress cannot afford to spend scarce dollars subsidizing day-to-day local law enforcement instead of spending money on enforcement that only the federal government can do. The Obama Administration, like the Bush Administration before it, is right to cut funding to the problematic, non-evidence-based Byrne program.

In addition to enacting cuts, this subcommittee should prohibit Byrne funding from being wasted on investigating, prosecuting, and incarcerating drug possession offenders, especially marijuana possession offenders. Local law enforcement should remain free to waste local money arresting nonviolent, low-level drug offenders, if they want, but federal money should be prioritized towards violent criminals and organized crime syndicates.

It also makes sense to shift funding away from the COPS program to more productive uses. The COPS program was created in the 1990's for the express purpose of putting 100,000 police officers on the street. Yet, COPS continues as a “zombie” program, receiving hundreds of millions of dollars over a decade after its mission has been fulfilled. The federal government has already put these “cops on the street,” and crime is at a historic low, especially considering the weak economy.

At the same time, billions of dollars in new federal assistance has gone to state and local law enforcement through DHS First Responder grant programs. COPS presents the issue of duplication, or even diversion of scarce taxpayer dollars that could go to vital programs that protect us from the threat of terrorism.

Last month, in a hearing of the Crime, Terrorism and Homeland Security Subcommittee of House Judiciary, Chairman Sensenbrenner noted that “there is strong disagreement over whether the COPS hiring program has been effective in reducing violent crime,” and said it is “simply not a good return on our investment.”

He went on to say:

It is clear to me that the purpose of the program has shifted from addressing violent crime nationwide to subsidizing state and local law enforcement agencies with budget problems. The responsibility to fund and manage routine state and local law enforcement efforts has been and should remain with the state and local governments.

This program was intended to address an acute crime problem that no longer exists and has now become a program to bail out state and local governments that made fiscally irresponsible decisions.

Other notable conservatives have made the same point about usurpation of local functions, in reference to Byrne as well as COPS. In 2005, a coalition including Americans for Tax Reform, American Conservative Union, the National Taxpayers Union, and Citizens Against Government Waste signed a joint letter calling for the elimination of both Byrne JAG and COPS.

Turning to the positive side of things, I would like to thank Chairman Wolf for his really critical leadership in defending the Second Chance Act in the FY 2012 cycle. In FY 2013, we endorse the full funding of the Second Chance Act at the authorized level of \$165 million, offset by cuts to the Byrne and COPS programs. The Second Chance Act was passed with overwhelming bipartisan support, in recognition of the cost-effectiveness of investments in re-entry and recidivism prevention, and we think spending levels should reflect what works, and our nation's values of reason as well as compassion.

About 9 million individuals are released from jail each year, and face serious, specific challenges as well as the overarching problem of adjusting to life outside. Second Chance programs specifically address these needs in terms of mental health, substance abuse, housing and homelessness, education and employment, as well as helping children and families cope with incarceration and release.

Spending on re-entry represents a small fraction of our spending on incarceration, and prevents the costs of re-incarceration, as well as helping to make communities safer and stronger, when those who are released are truly able to renew – or fulfill for the first time – their full membership in American society.

I would like to again thank the Chair and Ranking Member for this opportunity to address the committee, and on behalf of the Drug Policy Alliance's Office of National Affairs, we look forward to working with the committee to make progress on these issues

Mr. WOLF. Thank you for your testimony. I appreciate it.

Mr. PIPER. Thank you.

Mr. WOLF. Mr. Fattah.

Mr. FATTAH. Thank you.

And the fact that the chairman and I are not elaborating is not because of a lack of interest in these matters, but we have a lot of people who have to testify and we do appreciate it.

Thank you.

Mr. WOLF. I appreciate Mr. Fattah saying that, too, because there have been so many questions I could have asked. And Mr. Fattah is in the same way. But in the interest of time——

Mr. FATTAH. We would be here a week.

Mr. WOLF. Yes. So the fact that we are not asking does not mean we are not interested in what you are saying. Believe me. I can assure you of that.

Next witness, David Bean, with the Puyallup Tribe, tribal councilman.

Sir, welcome.

THURSDAY, MARCH 22, 2012.

PUYALLUP TRIBE

WITNESS

DAVID BEAN, TRIBAL COUNCILMAN, PUYALLUP TRIBE

Mr. BEAN. Good morning.

Mr. WOLF. Good morning.

Mr. BEAN. Chairman Wolf, Ranking Member Fattah, my name is David Bean. I am a member of the Puyallup Tribal Council. I am here today on behalf of my chairman, Herman Dillon, Sr.

Thank you for this hearing and thank you for allowing us to sit at this table. We truly appreciate your past support for many tribal issues and are appreciative for your interest here today.

I am pleased to present testimony related to the Department of Justice funding for Office of Justice Programs, the Office of Community Oriented Policing, and the Office on Violence Against Women programs.

We look forward to working with the 112th Congress to ensure that funding is adequate to meet the needs.

Just to give you a little brief background of Puyallup Tribe, we have about 18,000 acres within our reservation. There are approximately six municipalities that are within our reservation, City of Tacoma being the largest one. And it is a checker board style reservation which means some of it is owned by the tribe, some is owned by non-natives.

We service 4,400 members, Puyallup Tribe members, along with 25,000 other Native Americans from 365 fairly recognized tribes.

Our law enforcement division consists of a chief of police, 29 officers, and two reserves. Due to limited federal funding, only two of those positions are funded through federal funding. The Puyallup Tribe carries the burden of the remaining officers along with the associated expenses.

We work real closely with neighboring jurisdictions. We feel it is very important to have that relationship with the state, the city, and the counties in the area of law enforcement in addressing the needs of our community.

We have inter-local agreements which allows our tribal police officers to be cross-deputized and make arrests and make sure that the arrested parties are brought to the appropriate authority.

These relationships are extremely important to the Puyallup Tribe. There are currently 33 active gangs within our reservation. Let me put this into perspective.

There are 200,000 residents in the City of Tacoma. And our tribe consists of 4,000 members, so we represent about two percent of the population.

You can break the city into eight segments and with the recent study, the Tacoma gang assessment, they identified 99 gangs within the city limits.

On the east side of Tacoma where the Puyallup Tribe reservation is, 33 of those tribes have been identified. So one-third of the gang problem is within our reservation. So that is again a reason why we see it is so important to interact with the local jurisdictions to address this problem, because what affects one of us affects all of us.

I grew up on the east side of Tacoma, so I want to bring some personal perspective here. These gangs are actively pursuing our children and we need your help. We need your help addressing this problem.

This Tacoma gang assessment that I mentioned was started about a year ago gathering data with help from the National Gang Intelligence Center in which I believe, Chairman, you had a large part.

Mr. WOLF. Right. The Administration wants to eliminate it.

Mr. BEAN. That is unfortunate.

Mr. WOLF. I do not think we are going to let them, but they want to. But go ahead.

Mr. BEAN. Well, they provided some really good data and really technical assistance that has allowed the City of Tacoma in partnership with the Puyallup Tribe and other agencies to gather data to address this problem.

Fifty percent of our population, our community are under the age of 18, so we see our kids, being targeted by these gangs and it is particularly for me growing up in it, I have seen it firsthand. I have lost a lot of friends to gang violence. And so as a council member I am in a position to address these issues through activities for our children.

And so, again, I am just telling you we need your help and we appreciate the funding.

Lastly, I see my time is up. I just want to tell you that we support the Office on Violence Against Women. And of the funding that has been requested, \$412 million, \$40 million of that will be for tribal initiatives.

And, again, I have some personal perspective on that. As a young teenage boy, I was called from a wrestling tournament to go rescue my mother. And so it is not just our women. It is our children that are impacted by this violence against our women.

One in three Native American women will be raped. Six out of ten will be subject to physical abuse. And I was a witness to that. And so, again, we need your help. We need the funding. We know it is limited, but we need your help.

[The information follows:]



Puyallup Tribe of Indians



**MR. DAVID Z. BEAN, PUYALLUP TRIBAL COUNCIL
TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE
HOUSE SUBCOMMITTEE ON COMMERCE, JUSTICE, AND SCIENCE
AND RELATED AGENCIES
FISCAL YEAR 2013**

March 16, 2012

Mr. Chairman, my name is *David Bean, Tribal Council Member for the Puyallup Tribe of Indians*. We thank the Committee for its past support of many tribal issues and for your interest today. I am pleased to present testimony related to the Department of Justice funding for Office of Justice Programs (\$81.3 million—a 7% set aside of all OJP funding and \$30 million for Tribal facilities construction); the Office of Community Oriented Policing (\$40 million COPS hiring and \$40 million Tribal Resource Grants); and the Office Violence Against Women Programs (\$40.5 million for Tribal programs).

Introduction: We look forward to working with the 112th Congress to insure that funding levels in the FY 2013 Budget are sufficient to meet to carry-out our public safety and justice responsibilities.

Briefly, the Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation encompasses most of the City of Tacoma, but the area is a “checkerboard” of tribal lands, Indian-owned fee land and non-Indian fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way). The Puyallup Tribe also provides services for 4,416 tribal members and over 25,000 additional Native Americans from over 355 federally recognized Tribes and Alaskan Villages.

The Puyallup Nation Law Enforcement Division currently has a Chief of Police, twenty-nine commissioned officers and two reserve officers to cover 40 square miles of reservation in addition to the usual and accustomed areas. The officers serve and protect the Puyallup Reservation seven days a week, twenty-four hours a day. Due to limited federal funding for law enforcement in Indian Country, only two officers are funded with federal funds. The remaining twenty-seven officers and nine detention officers are funded by the Tribe. The total cost of justice services, including facilities operations and maintenance, exceeds \$5.7 million per year. As stated earlier, these costs are paid for with Tribal earned income.

The Tribe works closely with state and local law enforcement authorities. We recognize that in this day and age, such inter-jurisdictional cooperation is essential. We are fortunate to have a good working relationship with the state, county and city agencies. The Puyallup Tribe has had intergovernmental agreements with Pierce County and the City of Tacoma for many years. Puyallup Tribal Police officers are cross-deputized, so that arrests can be made under city or county jurisdictions, then offenders are turned over to the local authorities to be processed.

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I cannot emphasize enough how important cross-deputization agreements are to the Tribe. Currently, there are twenty-eight active gangs on the Reservation. Gang activities include, drug trafficking, weapons sales and turf wars which result in drive-by shooting. Inter-State 5 runs through the Puyallup Reservation and is known as a drug corridor. With the continuing increase in population, increase in gang related activities on the Puyallup Reservation and the increase in manufacturing of meth amphetamines in the region, the services of the Puyallup Nation Law Enforcement Division are exceeding maximum levels. This is highlighted by last year's cooperative efforts among the local Prosecutor's Office, local Police Agencies (including the Puyallup Tribe's), Washington State Department of Corrections and the F.B.I.'s South Sound Gang Task Force when 32 members of a notorious street gang were arrested and arraigned on charges ranging from car theft to attempted first-degree murder.

Without the large subsidy provided by the Tribe for public safety, we would not have a comprehensive program to address the law enforcement needs of our community. For that reason, it is so important that you continue to fund the Programs within the Department of Justice that support our efforts.

U.S. Department of Justice - Office of Justice Programs - The Department Justice once again proposes bill language to provide for a 7% tribal set-aside from all discretionary OJP programs to address Indian Country public safety and tribal criminal justice needs. This level of funding would provide \$81.3 million for Tribal Justice Programs. The Puyallup Tribe of Indians joins with the National Congress of American Indians (NCAI) and other Tribes in urging Congress to include the 7% tribal set-aside in the FY 2013 bill language. The OJP programs set-aside is critical for tribes because it would provide a more flexible funding structure and would complement the DOJ Coordinated Tribal Assistance Solicitation (CTAS). The CTAS streamline grant application process allows tribes to submit a single application for multiple purpose areas. We believe that in order to achieve its intended success, the CTAS application needs to be accompanied by a streamlined funding mechanism.

Puyallup Nation Law Enforcement/Justice Center: The Department of Justice program established to address detention facilities in Indian country has been historically underfunded. The Interior Department's recent Report "Master Plan for Justice Services in Indian Country" estimated that there is a \$8.4 billion need over the next ten (10) years to bring tribal and Bureau of Indian Affairs (BIA) detention centers up to current standards and relieve overcrowding. To address this need we request that Congress fund the Department of Justice - Detention Facilities Construction in Indian Country program at a minimum of \$30 Million for new construction in Indian Country.

This need is highlighted by our work at Puyallup. Through an exhaustive planning process, the Tribe identified a need for a Tribal Justice Center to provide a comprehensive holistic justice program where law enforcement, probation, court and detention could be housed in one location. This approach matches the efforts of the Department of Justice and the BIA to maintain open communications and cooperate to operate their programs in a way that complement and enhances each program. To achieve this goal, the Puyallup Tribe initiated the design and construction of a 46,697 sf. "Justice Center" to be located on the Puyallup Indian Reservation. The total construction cost of the Tribe's Justice Center is estimated at \$23.8

million. The Justice Center will provide necessary facilities for the delivery of judiciary services including a 17,465 sf. Adult Corrections Facility (43 bed), a 12,354 sf. Law Enforcement Command Center and a 16,878 sf. Judicial/Tribal Court Center. The Judicial/Tribal Court Center includes Courtrooms, Judges Chambers, Court Clerk, Prosecution, Probations and Public Defender.

A preliminary phasing plan was developed in order to meet budgetary constraints. Phase I involves the initial construction of the Corrections Facility at a cost of \$9 million. The Tribe was successful in securing F.Y. 2009 Department of Justice grant and supplemented this with Tribal funds to complete this Phase I. It is anticipated that ground breaking will occur in May 2012 and that construction will be completed in April, 2013.

Phase II will involve the construction of the 12,354 sf. Law Enforcement Command Center at a cost of \$6.1 million and Phase III will be the construction of the 16,878 sf. Judicial/Tribal Court Center at a cost of \$8.7 million. The total cost of the Tribe's Justice Center Phases II and III is estimated at \$14.8 million.

Office of Violence Against Women (VAWA): The FY 2013 Budget requests \$412 million for the Office of Violence Against Women Act (VAWA). This request includes approximately \$40.5 million for tribal initiatives within the Office of Violence Against Women (OVW). Approximately \$35 million is being requested for disbursement through VAWA Tribal Grants Program, with additional funding directed towards tribal coalitions through VAWA (\$3.6 million); \$500,000 for the Indian Country Sexual Assault Clearinghouse for on-site training and technical assistance; and \$1 million to sustain funding for the Analysis and Research on Violence Against Indian Women.

These funds will be aimed at addressing the high victimization rates of American Indian and Alaskan Native women for the crimes of domestic violence, sexual assault, dating violence, and stalking on tribal lands. The devastating impact that violence against women has on our tribal communities cannot be ignored. It is estimated that in their lifetimes one in three Indian women will be raped and that six in ten will be physically assaulted. Because the protection of the health, safety and well-being of our communities begins with the protection of our women and children, and because the rate of sexual assault and domestic violence is higher in Indian Country than any other region in the country, we strongly support funding contained in the President's Budget for OVW programs.

Community Oriented Policing Services (COPS): The FY 2013 Budget requests \$286 million for the Community Oriented Policing Services (COPS) programs, a \$91.1 million increase for hiring police officers and non-law enforcement personnel. Included in this amount is \$15 million specifically for hiring of Tribal law enforcement officers. While we appreciate the requested increase, the demonstrated need for additional law enforcement personnel in Indian Country is \$42 Million.

In our view, the demand on law enforcement services will increase as tribal governments continue to enhance civil and criminal justice administration. In particular at Puyallup, this demand is further impacted by the existing and growing "gang problem" within the boundaries of the Puyallup Reservation. Gang violence creates greater logistical problems for our Tribe

than other reservations due to our urban setting, where we must coordinate with five cities, including six separate local jurisdictions and contend with Interstate 5 traversing the Reservation. In an effort to combat these gang activities, the Puyallup Tribal Council created a Gang Task Force from the Tribal Police Department, representatives from various Tribal Services Divisions and community members. The Gang Task Force developed a gang policy that includes a four prong approach. They are: enforcement; intelligence; education; and physical-mental health. These programs are currently being implemented or being designed for use with supplies and staff being provided by the Tribe. What is needed to move forward is funding in each pronged approach.

The Budget also provides \$20 million for the COPS Tribal Resources Grant Program which allows tribes to purchase much needed equipment and supplies for community police services. Again, while we strongly support the increase of funds dedicated to necessary law enforcement resource, it is simply not sufficient. We request that the COPS Tribal Resources Grant Program be funded at \$40 million in FY 2013. Law enforcement officers must have the equipment and resources to do their jobs, if Indian communities are to live in safety and focus on health, education and economic development.

Mr. WOLF. Well, thank you.

There are a thousand questions. What do you think the major reason of all the violence is?

I mean, I feel that, and this is my own personal opinion, I am not speaking for the chairman or for Mr. Fattah or the other committee members, I have been very opposed to Indian gambling. I think it is just a bad thing.

Consequently I think the Congress has fundamentally and this Administration and previous Administrations have failed the American Indians. We have just almost neglected them. And I think there should be opportunities of bringing jobs, of repatriating jobs and doing things.

We have had a very difficult time because it seems that some tribes, all they want to do is the gambling and I think they are looking for an opportunity for money and, you know, who am I to say?

The other side of the coin is the fact that the feds have allowed that to take place has almost given the Federal Government the ability to sort of wash their hands and say we are not really involved anymore. And I think the Congress and the Administration have failed the American Indians so badly.

But at some time, I would be interested, maybe you can just give my office a call sometime——

Mr. BEAN. Certainly.

Mr. WOLF [continuing]. When we are finished with the hearing and we can chat about it. But you wanted to say something, Mr. Fattah?

Mr. BEAN. Yes, sir. The violence——

Mr. WOLF. I do not know if your tribe has gambling or not.

Mr. BEAN. We actually do.

Mr. WOLF. Let me say I am absolutely—I mean, that is like adding—a fire is raging and that is like pouring more gasoline on it. But I am not making a judgment. Who I am is not—I have no right to tell you. I think it is morally, ethically wrong. It is an exploitation of the poor. It brings corruption. It brings, you know, I could go on and on. But aside from that, there ought to be something.

Just give me a call, you know, and we can chat——

Mr. BEAN. Yes.

Mr. WOLF [continuing]. And see what—maybe there are some things——

Mr. BEAN. Yes.

Mr. WOLF [continuing]. That we can do. Mr. Fattah.

Mr. FATTAH. I want to thank you for your testimony. And we will take it into account as we go forward.

Mr. BEAN. Yes, sir.

Mr. FATTAH. Thank you.

Mr. BEAN. Just to respond real briefly.

Mr. WOLF. Sure.

Mr. BEAN. Again, growing up in the east side of Tacoma long before Indian gaming was there, there was gang violence. In fact, it was the top ten area in the Nation as far as gang violence prior to gaming. What gaming has done for us has allowed us to fund programs to—again, for our law enforcement. You know, we are paying, you know, four point——

Mr. WOLF. I understand.

Mr. BEAN. So it is funding healthcare education for our families.

Mr. WOLF. I understand.

Mr. BEAN. It has improved our community.

Mr. WOLF. For the record, I have got to say this. Gaming is Monopoly. It is jacks. Gambling we are talking about. Gambling is fundamentally exploitation of the poor. I know there are some benefits that may come. We are trying to push repatriation whereby we can bring jobs back.

And I would love to see the Members of Congress who care deeply about American Indians, and I do not have a large number, but I would—to see if we could cordon off as we repatriate to bring the jobs to go on to the reservations and go there because we are making iPhones, iPads all in China when we could be moving it back and doing—and so—but every time we get into this, the gambling issue comes up or somebody—I think the fact that the Congress and the Administration have allowed gambling to take place, it has almost enabled them to say, hey, we are giving them the opportunity. They can do whatever they want to.

And so literally the Congress and the Administration have pulled a Pontius Pilate. They have washed their hands of it and that is just the reality of it.

I used to work at the Department of Interior for Secretary Rogers C.B. Morton. Some of the things I saw, and it is even worse. But, anyway, give me a call.

Mr. BEAN. Yes, sir.

Mr. WOLF. And then we can chat.

Mr. BEAN. I welcome your comments.

Mr. WOLF. But it is gambling. Gaming is Monopoly, what I play with my grandkids. Gambling is what is going on in those casinos.

Mr. BEAN. Yes, sir.

Mr. WOLF. But thanks for taking the time.

Mr. BEAN. Yes, sir. We have been historically underfunded.

Mr. WOLF. You have been. I agree.

Mr. BEAN. So I appreciate and I welcome the opportunity to speak with you further.

Mr. WOLF. Okay. The staff will tell you how to reach me next week.

Mr. BEAN. Thank you again.

Mr. WOLF. Okay. Thanks.

Gary Mills, national legislative coordinator of the AFGE Council of Prison Locals.

Thanks again. Call me next week. He will give you the number.

THURSDAY, MARCH 22, 2012.

AFGE COUNCIL OF PRISON LOCALS

WITNESS

GARY MILLS, NATIONAL LEGISLATIVE COORDINATOR, AFGE COUNCIL OF PRISON LOCALS

Mr. MILLS. Good morning, Chairman Wolf, Ranking Member Fattah. My name is Gary Mills. I am the national legislative coor-

dinator for the American Federation of Government Employees Council of Prison Locals.

And on behalf of the over 36,000 federal correctional workers who operate 117 Bureau of Prisons' correctional facilities, I would like to thank you today for the opportunity to testify in front of the subcommittee.

AFGE strongly urges the subcommittee to provide \$187,055,000 above the President's fiscal year 2013 budget request for BOP salary and expenses account to allow BOP to hire an additional 1,969 correctional workers in fiscal year 2013.

This would allow the BOP to return to 95 percent base staffing level of the mid-1990s at existing BOP-operated institutions.

Today more than 217,000 prison inmates are incarcerated in BOP correctional institutions. That is up from 25,000 in fiscal year 1980, 58,000 in fiscal year 1990, and 145,000 in fiscal year 2000.

About 81 percent of the inmate population is now confined in BOP-operated facilities, 19 are managed in residential reentry centers and private prisons. And by the end of fiscal year 2013, it is expected there will be over 229,000 prison inmates incarcerated in BOP correctional institutions.

However, the number of federal correctional workers who work in BOP-operated prisons is failing to keep pace with the tremendous growth in the inmate prison population.

As of December 31st, 2011, the BOP operated institutions were staffed at an 88 percent level as contrasted with the 95 percent staffing level of the mid-1990s. This 88 percent staffing level is below the 90 percent staffing level that the BOP believes to be the minimum level for maintaining the safety and security of BOP prisons.

In addition, while the number of prison inmates in the 117 BOP-operated institutions has grown from 125,560 in fiscal year 2000 to 176,540 now, the number of BOP correctional workers has only increased from 30,382 to 36,172.

As a result, the BOP inmate to worker ratio has increased from 4.13 to one in fiscal year 2000 to 4.96 to one now. This significant increase in the inmate to worker ratio adversely impacts BOP's ability to effectively supervise prison inmates.

The serious correctional worker under-staffing problem along with the prison inmate overcrowding problem is resulting in significant increases in prison inmate assault against correctional workers. Hundreds of inmate on worker assaults have occurred at various BOP prisons since the brutal murder of correctional officer Jose Rivera on June 20th, 2008 by two prison inmates at the United States Penitentiary in Atwater, California.

The President's fiscal year 2013 budget provides \$6,820,217,000 for the BOP salaries and expenses account, a \$268 million increase above fiscal year 2012. According to the fiscal year 2013 request, the President is requesting 37,839 correctional workers and 41,904 authorized positions. That is an increase of 1,667 correctional workers and 800 authorized positions for a 90.3 staffing level.

AFGE is pleased that the President's budget provides enough additional funding so that the BOP can achieve a 90 percent minimum staffing level for maintaining the safety and security of BOP operated institutions. However, years of chronic under-funding in

the salaries and expenses account have left the BOP workforce spread dangerously thin, compromising BOP's ability to operate in a safe and efficient manner.

And so AFGE strongly urges the subcommittee to provide \$187,055,000 above the President's fiscal year 2013 budget for the BOP salaries and expenses account to allow BOP to hire an additional 1,969 correctional officers in fiscal year 2013, thereby achieving a 95 percent base staffing level at existing BOP operated institutions.

This concludes my oral statement. Thank you for your attention. We will be happy to answer any questions.

[The information follows:]

**GARY MILLS
NATIONAL LEGISLATIVE COORDINATOR
COUNCIL OF PRISON LOCALS
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFL-CIO**

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee –

My name is Gary Mills. I am the National Legislative Coordinator of the Council of Prison Locals, American Federation of Government Employees, AFL-CIO. On behalf of the over 36,000 federal correctional workers who work at the 117 Federal Bureau of Prisons (BOP) correctional institutions, I want to thank you for the opportunity to testify today on two BOP issues that are critically important to the safety and security of federal correctional workers, federal prison inmates, and the local communities surrounding federal prisons.

This year, AFGE strongly urges the House Appropriations Subcommittee on Commerce-Justice-Science (CJS) to:

- 1. Provide \$187,055,000 above the Obama FY 2013 budget for the BOP Salaries & Expenses account to allow BOP to hire an additional 1,969 correctional workers in FY 2013, thereby achieving a 95% base staffing level at existing BOP-operated institutions.**

More than 217,000 prison inmates are incarcerated in BOP correctional institutions today, up from 25,000 in FY1980, 58,000 in FY1990, and 145,000 in FY 2000. About 81% - or 176,540 - of the inmate population are confined in BOP-operated institutions while 19% - or 40,612 - are managed in residential reentry centers and private prisons. By the end of FY 2013, it is expected there will be 229,268 prison inmate incarcerated in BOP correctional institutions.

This explosion in the federal prison inmate population is the direct result of Congress approving stricter anti-drug enforcement laws involving mandatory minimum sentences in the 1980s, as documented in the *History of Mandatory Minimums*, a study produced by the Families Against Mandatory Minimums (FAMM).

The number of federal correctional workers who work in BOP-operated prisons, however, is failing to keep pace with this tremendous growth in the prison inmate populations. As of December 31, 2011, the BOP-operated institutions were staffed at an 88% level (36,172 of 41,104 authorized positions filled), as contrasted with the 95% staffing levels in the mid-1990s. This 88% staffing level is *below* the 90% staffing level that BOP believes to be the minimum level for maintaining the safety and security of BOP prisons.

In addition, while the number of prison inmates in the 117 BOP-operated institutions has grown from 125,560 in FY 2000 to 176,540 prison inmates now, the number of BOP correctional workers has only increased from 30,382 in FY 2000 to 36,172 now. As a result, the BOP inmate-to-worker ratio has increased from 4.13 to 1 in FY 2000 to 4.96 to 1 now. This significant increase in the inmate-to-worker ratio adversely impacts BOP's ability to effectively supervise prison inmates and provide inmate programs.

At the same time, prison inmate overcrowding is an increasing problem at BOP institutions despite the activation of new prisons over the past few years. BOP-operated institutions at the end of FY 2011 were operating at 39% above rated capacity, with 55% overcrowding at high security prisons and 51% at medium security prisons. By the end of FY 2013, it is estimated the BOP system will be overcrowded by 43%.

These serious correctional worker understaffing and prison inmate overcrowding problems are resulting in significant increases in prison inmate assaults against correctional workers. Hundreds of inmate-on-worker assaults have occurred at various BOP prisons since the brutal murder of Correctional Officer Jose Rivera on June 20, 2008, by two prison inmates at the United States Penitentiary in Atwater, CA. These aggressive acts by inmates against correctional workers illustrate a daily reality facing staff at their workplaces.

Indeed, rigorous research by the BOP's Office of Research and Evaluation has confirmed that increases in both the inmate-to-worker ratio and the rate of inmate overcrowding at an institution are related to increases in the rate of serious assaults on correctional workers by prison inmates. (*The Effects of Changing Crowding on Inmate Violence and Administrative Remedies Granted (2010)*, Office of Research and Evaluation, Federal Bureau of Prisons, Washington, DC.)

Obama administration's FY 2013 Budget for BOP Salaries and Expenses

The Obama administration's FY 2013 budget provides \$6,820,217,000 for the BOP Salaries and Expenses account – a \$268,936,000 increase above FY 2012. The BOP Salaries & Expenses account funds correctional worker staffing, as well as other management and administration activities, inmate care and programs, institution care and programs, and contract confinement activities.

According to the FY 2013 Congressional Budget Submission for BOP Salaries and Expenses, the President is requesting 37,839 correctional workers and 41,904 authorized positions – an increase of 1667 correctional workers and 800 authorized positions – for a 90.3% staffing level. (As noted above, BOP considers this to be the staffing level minimum for maintaining the safety and security of BOP institutions.)

More Funding Needed to Hire Additional Correctional Workers

AFGE is pleased that the Obama FY 2013 budget provides enough additional funding so that BOP can achieve the minimum staffing level for maintaining the safety and security of BOP-operated institutions. However, years of chronic underfunding of the Salaries and Expenses account has forced BOP to rely excessively on correctional officer overtime and the diversion of program staff instead of hiring additional correctional officers – leaving the workforce spread dangerously thin and compromising BOP's ability to operate in a safe and efficient manner.

And so, AFGE strongly urges the House CJS Appropriations Subcommittee to provide \$187,055,000 above the Obama FY 2013 budget for the BOP Salaries and Expenses account to allow BOP to hire an additional 1,969 correctional workers in FY 2013, thereby achieving a 95% base staffing level at existing BOP-operated institutions

2. Direct BOP to allow correctional officers who work in highly dangerous areas of BOP prisons to routinely carry pepper spray in case situations arise where they must defend themselves if physically attacked by dangerously violent inmates.

For several years, AFGE has been urging BOP to institute a new pepper spray policy that would allow federal correctional officers who work in highly dangerous housing units and other high security areas of BOP prisons to routinely carry pepper spray in case situations arise where they must defend themselves if physically attacked by dangerously violent inmates.

Under current BOP policy, federal correctional officers are not allowed to routinely carry pepper spray in BOP prisons. Instead, prison wardens (or designated officials) must authorize pepper spray utilization before correctional officers can use it to quell an emergency situation. Pepper spray is stored in specific locations throughout the prisons, such as in secure control rooms, watchtowers in the prisons' yards, or in the prisons' armories outside the secure perimeter.

The problem, however, is that in situations where aggressively dangerous inmates, who often have home-made lethal weapons, are physically attacking correctional officers, there is little or no time for the warden to authorize the use of pepper spray and get it to the endangered officers so they can protect themselves. The correctional officers are left to defend themselves with the two things they are authorized to carry: keys and a walkie-talkie radio.

Unfortunately, BOP management continues to refuse to allow correctional officers to carry pepper spray while on duty, relying on the following three arguments – arguments with which AFGE strongly disagrees.

(1) Communication argument: According to BOP officials, correctional officers are not allowed to routinely carry pepper spray because BOP believes in the importance of officers communicating with inmates to ensure officer safety. The agency believes that carrying pepper spray would impede officers' communication with inmates – and increase the level of prison violence - because (a) the officers would be more likely to use the pepper spray to prevent an inmate from engaging in dangerous misconduct than talk with the inmate, or (b) the inmate would perceive correctional officers carrying pepper spray as more threatening and therefore would be less willing to engage in communication with officers.

AFGE, however, believes this "officer-inmate communication" policy totally ignores the current reality at BOP institutions. The level of violence inside BOP institutions is already increasing – and not because correctional officers are not attempting to communicate with prison inmates. The violence level is increasing because of the serious correctional officer understaffing and prison inmate overcrowding problems – and because correctional officers are being asked to control offenders who are deliberately non-communicative, more aggressively violent, and often gang-affiliated.

In addition, AFGE believes this "officer-inmate communication" policy ignores the information in a BOP Executive Staff Paper, dated March 7, 2003. According to that paper, the Colorado, Illinois, and Texas State Departments of Corrections - three of the many states that allow their prison staff to routinely carry pepper spray - reported to BOP in 2003 that the ability of their staff to immediately use pepper spray decreased the need for physical restraint techniques, enhanced inmate compliance to staff warnings and commands, and resulted in an overall and significant reduction in injuries to both staff and inmates.

(2) "Used against officer" argument: BOP argues that correctional officers should not routinely carry pepper spray because it could be taken from the officer by an inmate and then used against him or her by that inmate.

AFGE believes this "used against officer" argument ignores one of the reasons why the BOP Executive Staff Paper (March 7, 2003) recommended providing correctional officers with pepper spray rather than expandable batons. One of the advantages of pepper spray use that was detailed in that paper was: "If an inmate gains control of the [pepper spray] and uses it on staff, there is no permanent harm to the staff member." By contrast, "if an inmate gains control of the expandable baton and uses it on staff, there could be serious permanent physical harm to the staff member."

(3) Cost argument: BOP argues that the agency cannot afford the cost of providing pepper spray to its correctional officers because the White House and Congress failed during the FY 2001- 2009 time period to provide BOP with sufficient funding. As a

result, BOP's principal focus now is on dealing with the correctional worker understaffing and prison inmate overcrowding problems – not providing pepper spray to its correctional officers.

AFGE is totally cognizant of the BOP's funding problems. We have been actively lobbying the Obama Administration and the Congress to substantially increase funding for BOP.

However, AFGE believes the argument that BOP cannot afford the cost of supplying pepper spray to its correctional officers is a bit overdone. A brief perusal of the Internet reveals that pepper spray devices cost only between \$10 and \$15. Thus,

- The cost of providing pepper spray to the 630 correctional officers who work in the dangerous housing units (including the segregation units) and compound areas at the 21 high-security United States Penitentiaries would range between \$6,300 and \$9,450.
- The cost of providing pepper spray to the 6,300 correctional officers and staff who work at the 21 high-security United States Penitentiaries would range between \$63,000 and \$94,500.
- The cost of providing pepper spray to the approximately 20,000 correctional officers who work in the BOP-operated prison system would range between \$200,000 and \$300,000.

In addition, it should be noted that the total number of pepper spray devices that must be purchased – and the attendant costs – would be greatly reduced by the number of such devices already stored today in BOP prisons' armories.

Therefore, AFGE strongly urges the House CJS Appropriations Subcommittee to direct BOP to allow correctional officers who work in highly dangerous areas of BOP prisons to routinely carry pepper spray in case situations arise where they must defend themselves if physically attacked by dangerously violent inmates.

This concludes my statement. I thank you for your attention and will be happy to answer any of your questions.

Mr. WOLF. Thank you for your testimony.

Mr. Fattah.

Mr. FATTAH. Thank you.

Mr. WOLF. Next witness, Ann Harkins, National Crime Prevention Council.

Go ahead.

THURSDAY, MARCH 22, 2012.

NATIONAL CRIME PREVENTION COUNCIL

WITNESS

ANN M. HARKINS, CHIEF EXECUTIVE OFFICER, NATIONAL CRIME PREVENTION COUNCIL

Ms. HARKINS. Thank you, Mr. Chairman, and good morning to you and to Ranking Member Fattah, for the opportunity to testify before the subcommittee today, for your continuing to hold these public hearings and for your support for crime prevention over the years.

I am Ann Harkins, born in Fishtown, now the president of the National Crime Prevention Council, home of McGruff, the crime dog.

McGruff, when he started his take a bite out of crime campaign, Americans did not think there were things they could do to prevent crime. It is hard to believe today when McGruff enjoys 83 percent recognition, when 75 percent of Americans know there are positive steps they can take to keep themselves, their families, and their communities safe from crime, when 90 plus of Americans think that McGruff is trustworthy and informative and 72 percent think he is cool.

And we at NCPC are very proud that more than 80 percent of kids would follow McGruff's advice on crime prevention and keeping themselves safe and that the national citizens crime prevention campaign has garnered more than \$1.4 billion in donated media over the years.

Today the National Crime Prevention Council engages the public in crime prevention through public education, outreach, evidence-based programs, and training. We address every crime from burglary to mortgage fraud, from gang violence to cyber bullying, and most recently intellectual property crime.

We address every demographic. We have McGruff clubs for young children and readers. We have school safety programs and training and campus crime prevention for programs from kindergarten through university, and we are protecting seniors from both physical abuse and financial fraud.

We use every medium available to us because to be effective, public education programs have to reach people where they are. Today that means on-line videos, social media, and training in addition to traditional public service radio and TV advertising.

We at the National Crime Prevention Council represent thousands of crime prevention practitioners nationwide. These are the crime prevention officers, the victim witness coordinators, the Child Protective Service workers, the community volunteers and commu-

nity leaders who give their time and talent to help keep communities safe.

They work with kids. They work with the elderly and they often do it on shoestring budgets. Their work in communities and your investment in solid crime prevention programs pay off in fewer crimes and more importantly fewer crime victims.

It reduces the need for government spending on treatment, arrests, prosecutions, and incarceration. That is why we respectfully request that in fiscal year 2013, the subcommittee continue its historic support for crime prevention by funding the Byrne Competitive Grants Program at \$25 million or more and funding the Economic High Technology Cyber Crime Prevention Programs at \$15 million.

Especially in these times of tightening budgets, these programs enhance and expand your investment in Byrne JAG.

In closing, I want to thank you, Chairman Wolf and Mr. Fattah, for your personal commitment to crime prevention, to thank the Justice Department for a successful 30 years of public/private partnership, and to thank the subcommittee for helping us take a bite out of crime.

And I would be happy to answer any questions.

[The information follows:]

**TESTIMONY OF ANN HARKINS
PRESIDENT AND CHIEF EXECUTIVE OFFICER
NATIONAL CRIME PREVENTION COUNCIL
HOUSE COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS SUBCOMMITTEE
FISCAL YEAR 2013 PUBLIC WITNESS HEARING**

Thank you, Chairman Wolf and Ranking Member Fattah, for the opportunity to testify before the Subcommittee today regarding Fiscal Year 2013 (FY13) funding for the U.S. Department of Justice's Bureau of Justice Assistance. I am Ann Harkins, President and CEO of the National Crime Prevention Council (NCPC), an organization which has provided practical information on proven and cost-effective crime prevention practices to local law enforcement, community leaders and citizens for almost thirty years. In Fiscal Year 2013, we respectfully urge the Subcommittee to appropriate \$25 million for the Byrne Memorial Competitive Grants Program, and \$15 million to continue the Economic, High-Technology, Cybercrime Prevention programs.

On behalf of the NCPC Board of Directors, its staff and the thousands of crime prevention practitioners across the country whom we represent, I want to express our gratitude to this subcommittee for funding these essential crime prevention programs in Fiscal Year 2012. Recent investments in both programs have enabled local law enforcement to remain flexible and adaptable as new crime prevention issues emerge, and we strongly support robust funding in FY13. We realize, of course, that in the present budget climate this Subcommittee has a duty to identify waste and reduce spending. As you undertake this important task, we urge you to consider not only the importance of the work done through both programs, but also the long-term savings that investment in prevention initiatives will achieve.

Within the funds for the Byrne Competitive Grants program, we respectfully request that the Subcommittee provide specific guidance to the Office of Justice Programs (OJP) to continue its historic support for two essential crime prevention functions. The first is ensuring the existence of an independent, non-governmental national repository and clearinghouse on best practices and evidence-based crime prevention. This function has been intended to ensure that state and local law enforcement have access to the best materials on effective crime prevention practices—to get the best possible outcomes from the Subcommittee's substantial investments in Byrne Justice Assistance Grants and in OJP's other state and local assistance programs. The second essential function is a strong national public service advertising campaign to reach the general public with evidence-based crime prevention messages. The Subcommittee has supported this function in the past because such a campaign has been shown to have tremendous impact in changing individual and collective behavior to prevent crime.

Finally, we want to applaud the Department of Justice for a well thought out, comprehensive grants program that supports the Intellectual Property Crimes Task Force. In the last few years OJP has awarded grants to state and local law enforcement to encourage strong investigations and effective prosecutions of Intellectual Property crimes which cost our economy 373,000 jobs and \$58 billion dollars per year, and pose serious threats to Americans' health and safety. Those local efforts are supported by grants to programs like the National White Collar Crime Center.

BJA and OJP had the wisdom to add a demand reduction component to this comprehensive effort. In partnership with both agencies, late last fall NCPC launched a public education campaign to increase public awareness of the consequences of purchasing counterfeit and pirated

products -- health and safety, support for organized criminal elements and job loss. We hope the Subcommittee will support this effort and encourage OJP to continue its wise approach of including demand reduction and public education in the Department's effort to fight Intellectual Property crime.

Background

NCPC is a private, non-profit, tax-exempt 501(c)(3) organization, whose primary mission is to be the nation's leader in helping people keep themselves, their families, and their communities safe from crime. We are funded through grants and contracts from the federal government and from various private sources. Through a variety of media and methods, NCPC enables communities and law enforcement to work together to create safe environments, especially for children and youth.

Established in 1980 by officials from nine states, the Department of Justice and other federal agencies, and private sources, the NCPC-led National Citizens' Crime Prevention Campaign and related initiatives have featured our beloved icon McGruff the Crime Dog® and his signature message that beckons all Americans to "Take a Bite Out of Crime®." McGruff and his message are recognized by 83% of adult Americans. An overwhelming 80% of kids would follow his advice on crime prevention. Over 90% of adults describe McGruff as informative, trustworthy and effective. Federal resources invested in the National Citizens' Crime Prevention Campaign have been well spent. For every dollar of federal investment, the Campaign generated \$100 or more worth of public service advertising. Over its history, the Campaign has produced \$1.4 billion worth of free advertising at very modest cost.

Since the inception of the Campaign, NCPC has maintained a close partnership with the Department of Justice (DOJ) and local law enforcement in creating cost-effective and award-winning public service advertising, launching groundbreaking and comprehensive support initiatives for crime-besieged cities, providing technical assistance, production and distribution of hundreds of ready-to-use publications filled with practical tips, expanding the reach of crime prevention tools through online resources, conducting conferences and training, and more.

Supporting Crime Prevention Practitioners

To the greatest extent possible, NCPC designs messages and trains law enforcement, community leaders and other individuals on crime prevention practices with proven outcomes based on the highest standards of research. NCPC's commitment to promoting the most effective crime prevention tools and messages is based on the organization's capacity to monitor crime prevention research and translate that research into practice.

NCPC administers two membership organizations. The Crime Prevention Coalition of America (CPCA) is an association of more than 400 local, state and federal crime prevention-related organizations representing thousands of constituents. The National Crime Prevention Association (NCPA) is a membership organization of approximately 1,400 individual crime prevention practitioners, mostly from law enforcement. Through Byrne Competitive Grant funding, NCPA is implementing a program under which, for the first time on a national level, qualified crime prevention practitioners can be certified as experts in the field. Both organizations provide resources, information on lessons learned and best practices, training, networking opportunities, and other crime prevention-related services.

Additionally, the National Training and Technical Assistance Partnerships grant was developed to address the nationwide gap in education opportunities for new law enforcement officers, which was a result of local department cuts in training budgets. NCPC has completed the training of consultants and experienced law enforcement officers who will in turn train their communities, thereby stretching this initiative's training dollars. NCPC has also completed five podcast interviews with experts in the field on topics such as Neighborhood Watch and Citizen Corps, crime-free multi-housing, and what a crime prevention officer is worth. Soon we will develop a toolkit for new officers, which will include PowerPoint presentations, fact sheets, inventories, and resources on basic crime prevention. In 2012, we will offer skill-building trainings on basic crime prevention in strategically selected regions across the country. The first, which was planned in concert with the United States Attorneys' Offices and The Police Officer Standards and Training Council, will have over 100 participants.

Recently, under the terrific leadership first of Laurie Robinson and now Mary Lou Leary, OJP has launched an excellent reference website for crime prevention practitioners, law enforcement officials, community planners, and citizens alike. The **crimesolutions.gov** website is historic in its wide-ranging collection of evidence-based programs that have been shown to reduce and prevent crime in communities across the nation. We hope that as the initiative evolves, OJP begins to address the differing capacities of communities to replicate these programs with fidelity to the original model.

National Crime Prevention Activities

NCPC works closely with state and local law enforcement and their national organizations to anticipate and respond to persistent crime challenges, emerging crime trends, and the changing crime prevention needs of communities and states nation-wide. Through a Byrne Competitive grant, NCPC is working with DOJ and a number of other partners to conduct a crime prevention awareness campaign to address the dangerous and costly problem of intellectual property crime such as pirating and counterfeiting. Our goal for the campaign is to engage the public in demand reduction and decrease threats to public health and safety and to increase awareness to the millions of jobs and ongoing detriment the economy faces from Intellectual Property theft.

Last fall the National Crime Prevention Council officially launched the Intellectual Property Theft public education campaign. This new campaign was the result of more than a year of extensive research, planning, outreach, and communication with the U.S. Department of Justice and several affected industries.

The Intellectual Property Theft campaign combines new technology and social media, such as mobile apps, with traditional media, such as television and radio, to reach an 18-30 year old audience – those who are most open to reducing their purchase of counterfeit products because of the health, safety, and economic harm caused by the theft of intellectual property.¹

NCPC is also tailoring other crime prevention information to “first timers,” the often overlooked population of young people ages 18-24; provide practical, ready-to-use resources on such emerging crimes as mortgage and foreclosure fraud and vacant property crime; and help keep senior citizens safe from abuse and telemarketing and other forms of fraud.

¹ <http://www.ncpc.org/getreal>

A traditional concept in crime prevention is the crime prevention “triangle.” Simply stated, in order for crime to occur, three elements must exist: desire, ability, and opportunity. Removing one element will prevent the crime. NCPC’s newest initiative, the Circle of Respect, is about reducing desire. Two years ago NCPC set out to work on a new crime prevention initiative that would “inspire us to live in ways that embody respect... where we live, learn, work and play.” That is our vision for the Circle of Respect. Lack of respect is contributing to online aggression and a new class of crime often called cyberbullying. A lack of respect is also contributing to traditional crimes like school violence and property theft among teens. At the end of the cyberbullying spectrum is “sexting”—the sending of inappropriate sexual images through electronic devices. Sexting and cyberbullying have demonstrated tragic consequences.

The Circle of Respect is a national initiative that will engage and challenge children, young people, adults, families, and communities to promote a culture of respect that transcends what has been a traditional tolerance of unacceptable behavior. Although the initial focus of the Circle of Respect will be on cyberbullying and bullying, as the initiative expands we will address such crimes as gang violence, vandalism, child abuse, workplace violence, abuse and fraud aimed at seniors, dating violence, and substance abuse. As the circle expands from *respect for self to respect in other aspects of our lives*, we aim to reduce the opportunities for crime to occur.

When McGruff and NCPC came on the scene 30 years ago, community groups and individual citizens thought that crime prevention was the sole responsibility of law enforcement. Working together with DOJ, local law enforcement and communities all across the nation, we have since then “moved the needle” such that today, we know that crime prevention is everyone’s business. McGruff has carried the message that all people—whether they are 7 or 107—can do their part to prevent crime and make America safer. Now, three out of four adults know they have a personal responsibility for helping to keep their communities safe from crime.

We have all seen recent surveys and reports indicating that crime, including serious, violent crime, is down all across the country and has been decreasing since the early 1990s. To be sure, many communities large and small have made terrific progress in combating crime. We can take solace in this encouraging news but this is no time to become complacent and let our guard down. For one thing, these data can be misleading. New forms of crime are growing, such as identity theft; mortgage and foreclosure fraud; and cyberbullying, “sexting” and other online crimes that are not captured in traditional surveys. New types of gangs and new forms of drug abuse are spreading. New technology has spawned new forms of intellectual property crimes that are not reflected in traditional crime statistics.

These distinct data sets, as well as their impacts on communities and the entire criminal justice system, must be captured adequately and thoroughly reviewed so that we can effectively deploy the tightening resources to combat crime.

Although crime is down nationally and in notable large cities such as New York City and Los Angeles, there are still cities, towns, suburbs and rural communities where this is not the case. Talk to victims and their families in various parts of the country and they will tell you that crime is not down in their communities.

Crime, of course, extracts a high cost from its victims. Crime also has a significant financial cost—approximately \$430 billion per year—borne by victims and their families, employers,

communities, and taxpayers. In 2005, governments at all levels spent more than \$200 billion for police, corrections and legal activities associated with crime—corrections alone costs \$68 billion annually. That same year crime victims incurred more than \$17 billion in costs. In 2007, consumers lost an estimated \$1.2 billion to fraud. There is also an unknowable opportunity cost both financial and social. All these costs have been trending upward and in the present economy we can ill afford them.

Crime Prevention in Fiscal Year 2013

Common sense, therefore leads to the conclusion that investment in crime prevention has never been more critical. There is no doubt that when individuals, community groups, and businesses work closely with law enforcement to help keep watch over their communities, crime is prevented. In an era of tightening budgets, investment in prevention initiatives reduces the need for government spending on intervention, treatment, enforcement, and incarceration. Credible studies conclude that crime prevention initiatives are cost effective; we can pay modest costs now or exorbitant ones later.

Though most crime prevention activities are local, the federal government sets the tone by promoting crime prevention strategies that work. It provides leadership through funding, education, technical assistance and support for state and local programs. Research and identification of what works, and translation and transmission of evidence-based best practices and lessons learned to and among the field require national leadership.

Appropriations of \$25 million in FY13 for the Byrne Competitive Grant program will provide BJA resources to fund important crime prevention programs along with the other authorized criminal justice programs. Within these activities, NCPC supports continuation of a national repository and clearinghouse for best practices and a continued evidence-based public education campaign. This is essential to identify and publicize the most effective forms of crime prevention so that taxpayer dollars are wisely spent. We suggest, therefore that the Subcommittee include report language directing OJP to fund—within the \$25 million appropriated for the Byrne Competitive Program—the activities of a national clearinghouse on best practices in crime prevention as well as a continued effective public service advertising campaign to reach the general public with evidence-based crime prevention messages.

Finally, we urge the Subcommittee to remain committed to the Economic, High-Technology, Cybercrime Prevention program with a \$15 million investment in FY13. DOJ and OJP are effectively working to address Intellectual Property crimes, particularly with regard to educating and engaging the public on the issue, and should be supported in their activities going forward.

Thank you again for allowing me to appear today and for your ongoing commitment to state and local crime prevention programs. NCPC is proud to have worked with Congress, DOJ, state and local law enforcement and other agencies, and the private sector in the past, and we believe we can be competitive going forward. As Congress works to prevent crime, please consider NCPC and McGruff as your active partners in empowering citizens and working with local law enforcement to build safer communities.

Mr. WOLF. Thank you very much. I appreciate the testimony.
Mr. Fattah.

Mr. FATTAH. Thank you. And I notice these Philadelphia connections. This could be a major breakthrough in these national organizations. Thank you.

Ms. HARKINS. I think it is about community. That is what we learned.

Mr. WOLF. Next, Jodina Hicks, Urban Promise Ministries.
Go ahead. Welcome.

THURSDAY, MARCH 22, 2012.

URBANPROMISE MINISTRIES

WITNESS

JODINA HICKS, EXECUTIVE DIRECTOR, URBANPROMISE MINISTRIES

Ms. HICKS. Thank you.

Good morning and thank you, Mr. Chairman and Mr. Fattah. I appreciate the opportunity to testify in support of fiscal year 2013 funding for Department of Justice grant programs that support prevention and no entry to prison.

UrbanPromise is a faith-based, nonprofit child and youth development organization in Camden, New Jersey. The FBI, BJS, and Census Bureau all consistently list Camden as one of the poorest and most violent cities in the United States. We know that from firsthand experience.

Poverty and lack of access to quality education are pervasive problems in Camden. Without intervention, dropout, gangs, and detention are often the path our young people take.

UrbanPromise is locally grown, born out of our community's need to address the problems of inter-generational poverty and cyclical incarceration of our youth.

The majority of children in Camden are either high- or at-risk. UrbanPromise's alternative schools, especially our academy high school, services some of the highest risk youth in the city, students with present or past involvement in the juvenile justice system.

Nevertheless, last year, our elementary and middle school boasted a 98 percent attendance rate and 100 percent of our high school seniors graduated on time. Ninety-three percent of them went on to college.

Perhaps our most innovative prevention model is our Street Leader Program, a combination of youth mentoring and teen job training. Camden teens are hired as role models, tutors, and mentors for children in our after school programs and summer camps. They are employed. They are paid and are required to stay in school. Many of them come back as graduates and work as staff for us.

Our programming is geared towards the hours of the highest violence, three and nine p.m., bringing children and youth off the streets to a safe place and refocusing their energies, paying teens rather than them going to the alternative route.

We were reminded of the danger that arises at this time a couple weeks ago. Two days in a row, shootings occurred directly outside

the doors of our program in north Camden between three and four p.m. Thankfully none of our youth were harmed. We are very fortunate that in almost 25 years, no active UrbanPromise young person has been lost to street violence.

Our street leaders are encouraged to avoid negative influences and focus on school.

Based on our last 25 years in one of the country's most violent and dangerous cities, UrbanPromise would urge the subcommittee to continue to invest in two critical competitive grant programs and expand them, the youth mentoring grants and the Second Chance Act juvenile mentoring. These are more effective uses of dollars than incarceration and it is what our community would like.

This past year, one of our young people, a student at our alternative high school and a street leader, demonstrated the power of relational programming. Before UrbanPromise, he had been incarcerated for several years. He had not been in school and both his parents were incarcerated. His only family member who was able to take him when he came out of detention was his aging, ill grandmother.

One of our volunteers became aware of the need for him to have extra support and dedicated himself to ensuring Louis did not return back to jail. When Louis got into some additional trouble, the Sell family attended several court dates for Louis with us and took him into their home. Because of the commitment of this family, the judge reduced Louis' sentence to an alternative to incarceration and allowed UrbanPromise to be his detention.

Louis went from struggling in school to a straight A and B student and the Sells became his legal guardian. They treat him as one of his family.

Congress cannot legislate such strong families, but it can support organizations like ours to fill the gap.

In closing, we encourage funding for alternatives and prevention such as our Street Leader model which prevent young youth detention and stop the cycle of incarceration. Our city needs your help.

We thank you for your time and for your service.

[The information follows:]

**TESTIMONY OF
JODINA HICKS
EXECUTIVE DIRECTOR
URBANPROMISE
27 NORTH 36TH STREET
CAMDEN, NJ 08105**

**BEFORE
THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED
AGENCIES**

MARCH 22, 2012

H-309 U.S. CAPITOL

Good day, Mr. Chairman. I am pleased to have the opportunity to testify before the Subcommittee in support of Fiscal Year 2013 funding for Department of Justice programs that support organizations making significant progress against the inter-generational cycles of street violence and poverty.

My name is Jodina Hicks and I serve as the Executive Director of UrbanPromise. UrbanPromise is a nonprofit child and youth development organization based in Camden, New Jersey. The Federal Bureau of Investigation, the Bureau of Justice Statistics and the U.S. Census Bureau consistently list Camden as one of the poorest and most violent cities in the United States. The median household income in Camden is just \$27,000, 36.1% of the population lives below the poverty line, only 62% have graduated high school, and less than 7% hold a post-secondary degree. Poverty and lack of access to quality education are pervasive and systemic problems in Camden.

UrbanPromise (UP) is a locally grown organization, born out of our community's need to address the intractable problems of intergenerational poverty and the cyclical incarceration of our youth. The mission of UrbanPromise is to equip children and young adults with the skills necessary for academic achievement, life management, and personal growth and success. Founded in 1988 in the basement of an unused Baptist church, UrbanPromise began with just one adult staff, twelve college-aged volunteers, and an annual budget of only \$12,000. Today, UP has grown to offer a myriad of youth educational and developmental programming, including an alternative high school, elementary/middle school, afterschool programs, summer camps, teen job training, and a host of other enrichment activities. UrbanPromise challenges Camden youth to develop their academic, social, creative and leadership potential. From our humble beginnings, we now boast a budget of over \$3 million, employ more than 50 full-time staff, and serve 600 local youth and families annually. UrbanPromise is also privileged to enjoy the efforts of 500 annual volunteers, including 50 college interns, 350 individuals in work groups, and 100 local residents.

I am one of the original 12 college-aged volunteers from our founding in 1988. While I was not born or raised in Camden, I grew up in Camden. Even though I left for a time to work on evidence-based social strategies and policies with Public/Private Ventures and the Safer Foundation – UrbanPromise and Camden remained my home. For almost 25 years I have witnessed the community's economic and social struggles firsthand. Without hesitation I returned two years ago – as Executive Director and with a commitment to strengthen the focus on our youth programming, one grounded in evidence, outcomes, and data.

UrbanPromise offers the children, youth and families of Camden a wide variety of services – all geared towards stemming the intergenerational cycles of poverty and street violence that permeate communities such as ours. The majority of children in Camden qualify as “at-risk”, which—as defined by the Office of Juvenile Justice and Delinquency Prevention—means they are exposed to high levels of risk in their families, homes, communities, and social environments to such a degree that it could lead to educational failure, school dropout, or involvement in juvenile delinquency. Our alternative schools—especially our UrbanPromise Academy high school—serve some of the highest risk youth in the city; students with present or past involvement with the juvenile justice system. Many come to us after they have already dropped

out of the public school system. Nevertheless, last year our elementary and middle school boasted a 98% attendance rate, and 100% percent of our high school seniors graduated on time. Of UrbanPromise's 2011 graduating class, 93% have gone on to pursue post secondary education. Historically, UrbanPromise graduates have had an 85% college completion rate.

Perhaps our most innovative prevention/diversion model is our StreetLeader Program - a combination of youth mentoring and teen job-training. Since 1994, UrbanPromise has employed more than 1,300 young teenagers as StreetLeaders. The program is the natural outgrowth of the AfterSchool and Summer Camp programs we began back in 1988. Camden-area teens are hired as counselors, tutors, mentors, disciplinarians, and role models for the children in our AfterSchool and Summer Camps. Many are graduates of the programs and are passionate about the opportunity to help raise the next generation of youth and give back to the community.

One of the best examples of this generational aspect of UrbanPromise relates to one of our first StreetLeaders, Arlene, who decided she would attend and graduate from Howard University. This was no small feat for a young woman of a single-parent who had limited financial resources from which to draw. After a year at Howard, Arlene was unable to pay tuition costs and left school. She reached out to UrbanPromise for help. Through fundraisers and generous donations from our supporters, Arlene was able to return to Howard and graduated soon after.

Since then, Arlene has married and started a successful business here in DC. She remains dedicated to helping Camden youth attend college. Nearly two years ago, Arlene began the Ambassadors of Hope scholarship fund aimed at raising money for college-bound UrbanPromise alumni. And, last September, she joined UrbanPromise's Board of Directors where she gives voice to the importance of outreach in the Camden community.

StreetLeaders like Arlene are encouraged to stay in school, attain job skills, and avoid negative life choices such as early parenthood, drugs, and the penal system. The heart of the StreetLeader program is challenging teens to use their influence to make positive changes in their lives and neighborhoods through job training and education. For most, this is their first job, and they receive extensive training and on-the-job mentoring to facilitate their success. Once in the program, teens have the opportunity to take on additional responsibilities and develop leadership skills as peer leaders. This positive part-time job has proven to be a lifesaver for many youth.

UrbanPromise's programming is specifically geared toward the hours of the highest violence—between 3:00 and 9:00 p.m.—bringing children and youth off the streets to a safe place, and refocusing their energies when they are most at risk. We were reminded of the danger that arises at this time a couple weeks ago. Two days in a row, shootings occurred directly outside of one of our AfterSchool sites. Thankfully, none of our youth were harmed. UrbanPromise has an impressive record – in almost 25 years, no active UrbanPromise youth have been lost to street violence. Our StreetLeaders are encouraged to avoid negative influences and focus on school through mentoring; community service; life skills classes; tutoring; SAT prep courses; classes in reading, writing, and math; a youth group focused on social development; and performing arts activities.

The key to UrbanPromise's success is the true community-based nature of our organization. The most effective method of engaging communities is through multiple partnerships or collaborations. Because of personal connections and institutional knowledge, nonprofit organizations such as UrbanPromise are often best positioned to directly help and mobilize local populations. Unfortunately, these organizations are often also the most cash-strapped, and their limited capacity does not allow them to provide the wraparound services that boost overall program outcomes. Organizations such as UrbanPromise overcome these substantial hurdles by cultivating strong local partnerships. For example, we have seen better academic outcomes since partnering with the local Center for Family Services, which provides therapeutic counseling for our families and teens in crisis. As such, we are grateful for Congress' recognition of the need for local partnerships, and hope the Subcommittee will continue to fund OJJDP to help support community based gang prevention and diversion efforts. Together we can guide and educate children and young people to become successful community leaders – not FBI statistics.

Based on our 25 years of programming in one of the nation's most violent and dangerous cities, UrbanPromise would urge the Subcommittee to continue to invest in two critical competitive grant programs: Youth Mentoring Grants and the Second Chance Act Juvenile Mentoring. Both provide significant resources for organizations like ours whose goal is to change the life trajectory of at-risk youth. Such home-grown organizations bring an intense level of personal connection and guidance that is often the pivot point in a struggling young person's life.

This past year, one of our young people—a student at our alternative high school and a StreetLeader—demonstrated the power of relational programming in the lives of youth considered high-risk. Before beginning at UrbanPromise's high school, Luis had been incarcerated for several years. He was released in 2009 when he entered 10th grade and signed up to be a StreetLeader. Luis had not been in school for four years, both his parents were incarcerated, and the only family member living nearby was his aging, ill grandmother. Despite these odds, Luis quickly became one of UrbanPromise's most promising StreetLeaders and became a mentor for the younger children at our AfterSchool programs.

One of UrbanPromise's volunteers, named Doug Sell, noticed Luis needed additional mentoring, so he dedicated himself to ensuring the young man did not return to incarceration. He became an influential male role model for Luis, and through their time together, the two developed a father-son-like relationship. When Luis was suspected of drug dealing a year and a half ago, Mr. Sell and his wife attended numerous court dates in defense of his character and behavioral development. Luis faced the possibility of an additional three years in prison; but because of the commitment of the Sell family and UrbanPromise staff, the judge reduced his sentence to an alternative to incarceration—one that allowed Luis to continue in school and at UrbanPromise.

Last year, the Sells became his legal guardians. They treat Luis as one of the family and have become invested in his success in high school and after graduation. Congress cannot legislate such strong families; but it can support organizations, such as UrbanPromise, which are attempting to fill the gaps in communities where the family unit is often fractured or, in some cases, nonexistent.

In closing, I would like to thank the Subcommittee again for the invitation to testify today, and also thank the Chairman and Ranking Member for their efforts on behalf of disadvantaged youth who are born—through no fault of their own—into communities plagued with poverty and generations of incarceration.

Mr. WOLF. Thank you very much for your testimony.

Mr. Fattah.

Mr. FATTAH. Thank you very much.

Ms. HICKS. Thank you. Thank you both.

Mr. WOLF. Stephen Saloom, policy director, Innocence Project.

THURSDAY, MARCH 22, 2012.

INNOCENCE PROJECT

WITNESS

STEPHEN SALOOM, POLICY DIRECTOR, INNOCENCE PROJECT

Mr. SALOOM. Good morning.

Thank you, Mr. Chairman, Mr. Ranking Member.

My name is Stephen Saloom. I am the policy director of the Innocence Project. Thank you for allowing me to testify today on the fiscal year 2013 funding for federal innocence programs.

The Innocence Project is a national litigation and public policy organization dedicated to exonerating wrongfully convicted people through DNA testing and reforming the criminal justice system to prevent future injustice.

We are also part of the national innocence network which consists of 55 organizations covering all 50 states that work to identify and exonerate wrongfully convicted individuals and reform the system to prevent future wrongful convictions.

Freeing innocent individuals and preventing wrongful convictions through reform greatly benefits public safety. Every time DNA identifies a wrongful conviction, it enables the identification of the real perpetrator. This has been the case in 45 percent of the Nation's 289 wrongful convictions proven by DNA testing.

Not only does our work help to free innocent people who have been wrongfully convicted but by examining every case where a post-conviction DNA testing reveals that the system got it wrong and convicted an innocent person, we can understand what it was that led police, prosecutors, judges, and juries to think that an innocent person was guilty. Eyewitness identification, false confessions, forensic problems have been those major contributors. By identifying those and understanding how those mislead the system, we have also been able to identify the reforms that improve the accuracy of criminal investigations and strengthen criminal prosecutions.

I appear today to request continued funding for three federal innocence programs including the Paul Coverdell Forensic Science Improvement Program which supports both the capacity of public crime labs to process forensic evidence and provides the essential function of requiring independent investigations upon allegations of serious forensic negligence or misconduct.

Helping state and local crime labs process a significant amount of forensic evidence is critical to solving active and cold cases and helps ensure the public safety. For this reason, we ask that you fund the Coverdell Program at \$20 million.

The Kirk Bloodsworth Post-Conviction DNA Testing Program provides hope to innocent inmates who might otherwise have none

by helping states more actively pursue post-conviction DNA testing in appropriate situations.

The Bloodsworth Program, as you may know, has fostered the cooperation of innocence projects and state agencies. For example, the Arizona Justice Project in conjunction with the Arizona AG's Office canvassed the Arizona inmate population, reviewed cases, located evidence, and filed joint requests with the court to have evidence released for DNA testing.

Arizona Attorney General Terry Goddard has noted that, quote, this grant enables his office to support local prosecutors and ensure that those who have committed violent crimes are identified and behind bars.

The Bloodsworth Program has resulted in the exonerations of nine wrongfully convicted persons in six states and the true perpetrator was identified in three of those cases.

For instance, in Virginia, Thomas Haynesworth was freed in part thanks to Bloodsworth-funded DNA testing that also revealed the real perpetrator.

For this reason, we ask that you fund the Bloodsworth Program at the fiscal year 2012 level of \$4 million.

Expert representation is required to navigate the complex issues that arise when trying to prove one's innocence post conviction. The Wrongful Conviction Review Program helps to support that legal expert representation as a way to both give innocence an opportunity to effectively achieve exoneration and to save court and law enforcement resources by more efficiently and often cooperatively pursuing post conviction relief.

Numerous projects have been able to enhance their abilities through this funding. And I want to cut to the chase. And there have been exonerations through this funding in Florida, also in Virginia with Mr. Haynesworth, Minnesota, and three exonerations in California.

We ask that you fund this program which is part of the Capital Litigation Improvement Program at \$2.5 million for a total Capital Litigation Improvement Program allocation of \$5 million.

I see I am out of time. Thank you very much.

[The information follows:]

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**WRITTEN STATEMENT OF STEPHEN SALOOM, ESQ.
POLICY DIRECTOR, INNOCENCE PROJECT
ON THE DEPARTMENT OF JUSTICE'S FISCAL YEAR 2013 BUDGET**

**BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON
COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
March 16, 2012**

On behalf of the Innocence Project, thank you for allowing me to submit testimony to the House Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies as it considers budget requests for fiscal year 2013. I write to request the continued funding of the following programs at the described levels:

- The Paul Coverdell Forensic Sciences Improvement Grant Program (the "Coverdell Program") at **\$20 million** through the Department of Justice, National Institute for Justice (the "NIJ");
- The Kirk Bloodsworth Post-Conviction DNA Testing Program (the "Bloodsworth Program") at the FY 12 level of **\$4 million** through the NIJ; and
- The Wrongful Conviction Review Program, which is a part of the Capital Litigation Improvement Program, at **\$2.5 million**, for a total Capital Litigation Improvement Program allocation of \$5 million through the Department of Justice, Bureau of Justice Assistance (the "BJA").

Freeing innocent individuals and preventing wrongful convictions through reform *greatly benefits public safety*. Every time DNA identifies a wrongful conviction, it enables the identification of the real perpetrator of those crimes. *True perpetrators have been identified in 45 percent of the DNA exoneration cases*. To date, 289 individuals in the United States have been exonerated by DNA testing, with these innocents serving on average 13 years in prison. However, I want to underscore the value of federal innocence programs not to just these exonerated individuals, but also to public safety and justice. It is important to fund these critical innocence programs because reforms and procedures that help to prevent wrongful convictions enhance the accuracy of criminal investigations, strengthen criminal prosecutions, and result in a stronger, fairer system of justice.



The Coverdell Program

Recognizing the need for independent government investigations in the wake of forensic scandals, Congress created the forensic oversight provisions of the Coverdell Program, a crucial step toward ensuring the integrity of forensic evidence. Specifically, in the Justice for All Act, Congress required that

[t]o request a grant under this subchapter, a State or unit of local government shall submit to the Attorney General...a certification that *a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results* committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.¹

The Coverdell Program provides state and local crime laboratories and other forensic facilities with much needed federal funding to carry out their work both efficiently and effectively. Now, more than ever, as forensic science budgets find themselves on the chopping block in states and localities nationwide, the very survival of many crime labs may depend on Coverdell funds. **As the program supports both the capacity of crime labs to process forensic evidence and the essential function of ensuring the integrity of forensic investigations in the wake of serious allegations of negligence or misconduct, we ask that you fund the Coverdell Program at \$20 million in fiscal year 2013.**

The Bloodsworth Program

The Bloodsworth Program provides hope to innocent inmates who might otherwise have none by helping states more actively pursue post-conviction DNA testing in appropriate situations. These funds have had a positive impact that has led to much success. Many organizational members of the national Innocence Network have partnered with state agencies that have received Bloodsworth funding.²

It is worth noting that the Bloodsworth Program does not fund the work of Innocence Projects directly, but state applicants which seek support for a range of entities involved in settling innocence claims, including law enforcement agencies, crime laboratories, and a host of others – often in collaboration. Additionally, the Bloodsworth Program has fostered the cooperation of innocence projects and state agencies. For example, with the \$1,386,699.00 that Arizona was awarded for fiscal year 2008, the Arizona Justice Project, in conjunction with the Arizona Attorney General's Office, began the Post-Conviction DNA Testing Project. Together, they have canvassed the Arizona inmate population, reviewed cases, worked to locate evidence and

¹ 42 U.S.C. § 3797k(4) (emphasis added).

² The Innocence Network is an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted and working to redress the causes of wrongful convictions.



filed joint requests with the court to have evidence released for DNA testing. In addition to identifying the innocent, *Arizona Attorney General Terry Goddard has noted that the “grant enables [his] office to support local prosecutors and ensure that those who have committed violent crimes are identified and behind bars.”*³ Such joint efforts have also been pursued in Connecticut, Louisiana, Minnesota, North Carolina, and Wisconsin.

The Bloodsworth program is a relatively small yet powerful investment for states seeking to do critically important work: to free innocent people who were erroneously convicted and to identify the true perpetrators of crime. The Bloodsworth Program has resulted in the exonerations of nine wrongfully convicted persons in six states, and the true perpetrator was identified in three of those cases. For instance, Virginian Thomas Haynesworth was freed thanks to Bloodsworth-funded testing that also revealed the real perpetrator. **As such, we ask that you continue to fund the Bloodsworth Program at its current FY 12 funding level of \$4 million.**

Wrongful Conviction Review Program

Particularly when DNA isn’t available, or when it alone isn’t enough to prove innocence, being able to prove one’s innocence to a level sufficient for exoneration is even harder than “simply” proving the same with DNA evidence. These innocents languishing behind bars require expert representation to help navigate the complex issues that invariably arise in their bids for post-conviction relief. And the need for such representation is enormous when only a small fraction of cases involve evidence that could be subjected to DNA testing. (For example, it is estimated that among murders, only 10% of cases have the kind of evidence that could be DNA tested.)

Realizing the imperative presented by such cases, the BJA dedicated part of its Capital Litigation Improvement Program funding to create the Wrongful Conviction Review program.⁴ The program provides applicants—non-profit organizations and public defender offices dedicated to exonerating the innocent—with funds directed toward providing high quality and efficient representation for potentially wrongfully convicted defendants in post-conviction claims of innocence.

The program’s goals, in addition to exonerating the innocent, are significant: to alleviate burdens placed on the criminal justice system through costly and prolonged post-conviction litigation and to identify, whenever possible, the actual perpetrator of the crime. Above all, though, this program forms a considerable piece of the comprehensive federal package of innocence protection measures created in recent years; without it, a great deal of innocence claims might otherwise fall through the cracks.

Numerous local innocence projects have been able to enhance their caseloads and representation of innocents as a result of the Wrongful Conviction Review grant program, including those in

³ Arizona receives federal DNA grant, <http://community.law.asu.edu/news/19167/Arizona-receives-federal-DNA-grant.htm> (last visited Mar. 13, 2012).

⁴ Reauthorization of the Innocence Protection Act. 111th Cong., 1st Sess., 8 (2009) (testimony of Lynn Overmann, Senior Advisor, Office of Justice Programs).



Alaska, Minnesota, Pennsylvania, and at the University of Baltimore. During the past year, the Florida Innocence Project was able to achieve the exoneration of Derrick Williams through the support of this program, and the Mid-Atlantic Innocence Project helped secure the exoneration of Thomas Haynesworth in Virginia. Grant funds enabled the Northern California Innocence Project to hire staff to screen cases, thereby permitting their existing attorneys to commit to litigation, which resulted in the exonerations of three innocent Californians, Obie Anthony, Maurice Caldwell, and Franky Carillo. With Wrongful Conviction Review funding, the Innocence Project of Minnesota was able to prove that Michael Hansen did not kill his three month old. **To help continue this important work, we urge you to fund the Wrongful Conviction Review Program at \$2.5 million**, for a total allocation of \$5 million for the Capital Litigation Improvement Program line.

Additional Notes on the Department of Justice's Requested Budget for FY 2013

The Department of Justice's fiscal year 2013 budget request defunds two of the above programs – the Coverdell and Bloodsworth Programs. These programs potentially would be rolled into a much broader "DNA Initiative" for a requested fiscal year 2013 funding level of \$100 million, or perhaps not supported at all.

We are concerned about the impact that zeroing out the Bloodsworth and Coverdell programs would have on the requirements and incentives that they currently provide for states to prevent wrongful convictions and otherwise ensure the integrity of evidence. These incentives have proven significant for the advancement of state policies to prevent wrongful convictions. Indeed, the Coverdell program forensic oversight requirements have created in states entities and processes for ensuring the integrity of forensic evidence in the wake of the forensic scandals that have undermined public faith in forensic evidence. ***The Coverdell program oversight requirements are essential to ensuring the integrity of forensic evidence in the wake of identified acts of forensic negligence or misconduct.***

The Innocence Project recommends that Congress maintain and fund these two programs by name, in order to preserve their important incentive and performance requirements. Doing away with these requirements would thwart the intent of Congress, which was to provide funding only to states that demonstrate a commitment to preventing wrongful convictions in those areas. Additionally, funding these programs would help to achieve their unique goals of providing access to post-conviction DNA testing for those who have been wrongfully convicted, and helping state and local crime labs process the significant amount of forensic evidence critical to solving active and cold cases, which helps to ensure public safety.

Conclusion

Thank you so much for your time and consideration of these important programs, and the opportunity to submit testimony. We look forward to working with the Subcommittee this year.

Mr. WOLF. Thank you very much for your testimony.

Mr. Fattah.

Mr. FATTAH. Thank you very much.

Mr. SALOOM. We appreciate the committee's support. Thank you very much.

Mr. WOLF. Carole Sherman, Families and Friends of Care Facility Residents.

THURSDAY, MARCH 22, 2012.

FAMILIES AND FRIENDS OF CARE FACILITY RESIDENTS

WITNESS

CAROLE L. SHERMAN, PUBLIC AFFAIRS CHAIRMAN, FAMILIES AND FRIENDS OF CARE FACILITY RESIDENTS

Ms. SHERMAN. Chairman Wolf, Mr. Fattah, thank you for this opportunity.

I am Carole Sherman and I represent Arkansas' Parent Guardian Association. My testimony explains why we oppose additional funding that allows the Department of Justice, under the guise of civil rights, to force the closure of safe homes for our most vulnerable citizens.

I have read the department's description of its request for additional funds for its Civil Rights Division and its description does not match our families' experiences.

To understand my interest, you must understand my son, age 43, who suffered severe brain injuries at birth. Mentally he is a young toddler, but he is otherwise a strong middle-age, mobile man.

John has the judgment of a one-and-a-half-year-old. John's safe home for many years has been a Medicaid-certified congregate care facility in Arkansas which sits in a protected park-like setting.

To be federally funded, certified through CMS, his center must meet eight major criteria on management, client protection, facility staffing, active treatment, client behaviors and facility practices, healthcare services, physical environment, and dietetic services.

The center has many eyes on the grounds and this is important because our son cannot report if things go wrong.

The Civil Rights Division's ADA and Olmstead enforcement activities are closing places like John's home and moving residents into community care. Olmstead is a Supreme Court decision which DOJ misconstrues to pursue a deinstitutionalization agenda. Through costly litigation and arbitration, the division is removing the most vulnerable among us from their homes without respect for the wishes of their legal guardians and with no clear underlying rationale.

Peer review studies show that deaths from preventable causes rise from those who transition from facilities. DOJ recently brought two federal lawsuits in our state, one against the Conway Center and another against all of the state's licensed facilities including our son's home.

During the eight years of the DOJ investigation of the Conway Center, it was at all times in compliance with federal Medicaid certification regulations. And during the six weeks trial which began in September of 2010, not one family from the over 400 residents

supported the department's claims that their family member's civil rights were being violated and not one medical provider or hospital representative familiar with the center's complex medical care testified to support DOJ's claims of poor care.

Our state defended the Conway Center and the federal court denied the substantive DOJ claims and dismissed the case last year in June of 2011. This victory did not come without a high cost. The state spent \$4.3 million in legal fees and costs which may not seem like much here, but to a small state like ours and to us, it is a lot of money.

Part of the costs were paid by the state. Part came from the sale of timber and mineral rights and part came from gifts and bequests meant to provide improvement for residents' lives.

Let me reiterate to defend our Medicaid certified state-run facility against a federal lawsuit, we sold timber and mineral rights and used funds that were meant to enhance the lives of residents.

Constrained by budgets, other states have settled with DOJ rather than spend the millions it would cost to defend. And Justice Kennedy anticipated this very thing in his *Olmstead* writing. He said it would be a tragic event were the Americans With Disabilities Act to be interpreted so that states had some incentive for fear of litigation to drive those in need of medical care and treatment out of appropriate care into settings with too little assistance and supervisions. Justice Kennedy's fear is a reality today.

In my written statement, I have given you our request. Thank you very much for this opportunity.

[The information follows:]

**TESTIMONY
OF
CAROLE L. SHERMAN, PUBLIC AFFAIRS CHAIRMAN
FAMILIES AND FRIENDS OF CARE FACILITY RESIDENTS,
*Arkansas' parent-guardian association***

March 22, 2012

**U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS/
Subcommittee on Commerce, Justice, Science & Related Agencies**

Re: U.S. Department of Justice/Civil Rights Division's Olmstead and ADA Enforcement

Chairman Wolf and Members of the Committee:

Thank you for the opportunity to testify regarding appropriations for the Department of Justice/Civil Rights Division. The Department is requesting additional personnel of 50 positions and resources of \$5.1 million to strengthen civil rights enforcement efforts that the Attorney General has identified as part of his Vulnerable People Priority Goal. My testimony today is limited to DOJ's activities under CRIPA (Civil Rights of Institutionalized Persons Act) and the ADA (Americans with Disabilities Act), which are included in this program area.

I represent the Arkansas statewide parent-guardian association, Families and Friends of Care Facility Residents ("FF/CFR"), a 501 (c) 3 organization. I am a volunteer advocate. My interest in the appropriations for the U.S. Department of Justice/ Civil Rights Division is that of mother and co-guardian of an adult son, aged 43, whose severe brain injuries occurred at birth. The Civil Rights Division's programs called "Enforcement of the Integration Mandate of the Americans with Disabilities Act (ADA) and Olmstead v. L.C." are aggressive legal actions against states which operate licensed, Medicaid-certified congregate care programs for individuals who have been adjudicated incompetent and whose continuous care is beyond their families' capacities. The Division's mission is to eliminate the option of state-operated congregate care for individuals with disabilities in the misguided notion that the Division knows what is best for my son and other individuals with severe and profound disabilities rather than their legal guardians who have made the residential decisions for their family members.

Our son, a middle aged man, has a medical diagnosis of profound mental retardation and autism. John functions on the level of a toddler. He is basically non-verbal, with occasional echolalia (he may repeat in short words or phrases what another says directly to him) and exhibits pica (an intense desire to consume inedibles). He has a toddler's sense of danger (without close supervision, he might walk into a busy street; and he would not recognize a toxic cleaning product as something harmful to ingest, for example).

John can be frightening to an untrained person. A large mobile man when he is frustrated or experiences discomfort, he might come too close to others, and in a full blown meltdown, he might howl and hit his face and chew on his right wrist. At such times, he is vulnerable to over-

reaction by un-trained, un-supported staff. Our son's care is beyond our family's capacities. All of his life, John and others similarly situated will rely on the humanity of others for health and safety. In particular, they will require residential programs with high standards when there are no living or active family members involved in their lives. For many years our son's safe home has been a state-operated congregate-care, Medicaid-certified intermediate care facility. Through costly litigation and arbitration, The Department of Justice Civil Rights Division is systematically dismantling the residential living facilities for these fragile persons, removing the most defenseless among us from their protected environment without respect for the wishes of guardians and with no clear underlying, peer-reviewed rationale. The Division's actions have caused and continue to cause enormous stress and anxiety for the families and guardians.

Federal tax dollars should not be spent in undermining and dismantling a system of care that is absolutely essential to many persons with disabilities. What is often overlooked, particularly by those in authority who are far away from the daily responsibilities of care and who are not responsible for providing the close care required, is that the population with disabilities involved in the Civil Rights Division's legal actions are extremely difficult to care for and to support, wherever they may live. It is our position (including those like my family who are parents and families of the critically disabled individuals at risk) that congregate care facilities, adequately funded, offer the most suitable settings and programs for a particular group of those suffering from some of the most severe forms of cognitive -developmental disabilities.

Department of Justice/Civil Rights Cases in Arkansas and Similar Cases in the U.S.

The Department policies, under the mask of "civil rights," were played out in a federal lawsuit in Arkansas (USA v. State of Arkansas/Conway Human Development Center, Eastern District of Arkansas, Case No. 4:09-cf-00033-JLH (2011)). The Justice Department began investigating the center in 2003 and spent millions of dollars with about 15 attorneys committed to the case (at trial) after an eight year investigation, and a six weeks federal trial challenging our State over one of its intermediate care facilities, which during the long years of investigation was *at all times in compliance with its federal Medicaid certification regulations*.

Arkansas defended its developmental center, and to our great relief, the substantive DOJ claims were denied and the case was dismissed (June, 2011).

As the parties prepared for trial, Department of Justice filed a second law suit against Arkansas, naming all of the state's licensed facilities, including my son's home, alleging ADA violations. The Department's ADA case against all of the centers was dismissed, and the federal trial by DOJ against the Conway Human Development Center proceeded in early September, 2010. I was a spectator and observer through most of the 6-weeks trial in Little Rock, Arkansas. Not one family from the over 400 Conway center residents supported the Department's claims that their family members' rights were violated; not one medical provider or hospital representative familiar with the center's residents and their complex medical needs testified to support the Department's claims of poor care.

The Court dismissed the Justice Department's lawsuit against the Arkansas Center (June 8, 2011). In an eighty-five page decision, the Court began its findings as follows:

Most lawsuits are brought by persons who believe their rights have been violated. Not this one....All or nearly all of those residents have parents or guardians who have the power to assert the legal rights of their children or wards. Those parents and guardians, so far as the record shows, oppose the claims of the United States. Thus the United States [Department of Justice] is in the odd position of asserting that certain persons' rights have been and are being violated while those persons – through their parents and guardians disagree. See Case decision, 1st para., p. 1

In the Arkansas case, Department Of Justice was assessed \$150,585.01 in court costs to be paid to the State, but the Department was not required to pay the over \$4.3 million in attorney's fees and litigation costs Arkansas spent for defending the center. These fees were not reimbursed and they came from several places including the sale of timber on board - owned properties and donations and bequests accumulated in over 50 years to the Conway center for the purpose of enhancing services for the center's vulnerable residents.

States across the nation have been confronted with the Department of Justice's misguided ADA/Olmstead Enforcement policies. The latest example is in the State of Virginia. Simultaneously, with no opportunity for public review, the Department of Justice filed both a Complaint and a Settlement Agreement in January of this year. We know from hard experiences in other states, that the Department of Justice objectives to close state-operated centers are usually not identified clearly in the documentation of an investigation of a case, but the intentions become clearer as implementation of the settlement agreements is carried out. A settlement in Texas, for example, requires the state's centers to undergo additional reviews by DOJ approved court monitors. None of the Texas centers is likely to achieve the goals set by the monitors. In a recent editorial, a Texas newspaper commented that based on its first-hand knowledge of a center, the complex population it serves and the staff, "the demands are not reachable." (Lufkin Daily News, 2/26/2012).

In a settlement agreement with the State of Georgia, which was entered contemporaneously with filing of the lawsuit and without public review, all persons with developmental disabilities in the developmental centers are required to move from their licensed facilities. The Assistant Attorney General for Civil Rights Division described the Georgia Settlement Agreement as a "template for our enforcement efforts across the country." In a teleconference, he described his role in the settlement which included going directly to the Governor of Georgia to press for an agreement rather than costly litigation.

Conclusion

It is not in the public interest for a federally funded entity through power of its office and out of the public view to coerce a state to cease operating programs which have historically proven successful in assuring the health and safety of persons with lifelong, severe cognitive disabilities. It is deeply offensive to me, my family and many others that our federal government through the U.S. Department of Justice is empowered to intimidate state authorities into unfair settlement agreements resulting in closures of our children's safe homes. It is especially egregious that this activity continues when the Department's legal claims have been found so

weak in federal court and the outcomes are so dangerous to the health and safety of the most vulnerable among us.

The Department of Justice does not reference the Arkansas case on its website; however, it does have a document entitled “Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C.” This document omits the federal laws which recognize that individuals with developmental disabilities and their families are the primary decision makers in placement choices; it omits the Medicaid rule which provides that eligible persons may choose between home and community based care and institutional care. The DOJ statement presents an incomplete interpretation of the Olmstead decision and ignores critical parts, for example: In the Olmstead majority opinion, Justice Ginsberg wrote that “[w]e recognize....the State’s need to maintain a range of facilities for the care and treatment of persons with diverse mental disabilities,” 527 U.S. 597. The Court further held that “[w]e emphasize that nothing in the ADA or its implementing regulations condones termination of institutional settings for persons unable to handle or benefit from community settings.” 527 U.S. 601.

Justice Kennedy, joined by Justice Breyer, wrote in his concurring opinion, joining the majority of four: “it would be unreasonable, it would be a tragic event, then, were the Americans with Disabilities Act of 1990 (ADA) to be interpreted so that States had some incentive, for fear of litigation, to drive those in need of medical care and treatment out of appropriate care into settings with too little assistance and supervision. 527 U.S. 610. Justice Kennedy’s prognostic fear is a present day reality.

DOJ should re-examine its programs under Olmstead, which the Department calls an “integration mandate,” and answer for the very serious consequences of its actions. Most important, how many former residents of congregate care facilities have died from preventable causes since being displaced from their ICF/MR (Intermediate Care Facilities for persons with Mental Retardation) - homes? What are the actual facts on quality of care and comparative costs?

Request

The comprehensive and devastating reach of the Civil Rights Division agenda on the most vulnerable among us requires active, vigilant Congressional oversight. We respectfully request this subcommittee’s review and action by: 1) halting the misguided mission of the Civil Rights Division of the Department of Justice, as described above; 2) discontinuing to fund the de-institutionalization programs of the of the Civil Rights Division of the Department of Justice; 3) placing restrictions on the Civil Rights Division’s programs, limiting its funds to bring actions that drive states out of their roles in providing care for our most severely impaired developmentally disabled citizens, all under the mask of “civil rights.”

Mr. WOLF. Thank you for your testimony.

What I am going to ask the staff to do is to get your testimony and send it to the Attorney General Holder so he can see and hear and ask them for the comments for them to comment back that we can share with you.

Mr. Fattah.

Mr. FATTAH. I want to thank you for your appearance.

And I share the chairman's desire that we provide this to the Justice Department. And it would seem to me that having won, the Justice Department should have been responsible for covering the legal fees of the state for bringing this action that they were not successful in. But we do not have a lot of time today.

I want to thank you for following through. And I read through your bio and about your service in the Peace Corps and all that you have done and I am amazed that such a case was brought. Thank you.

Ms. SHERMAN. Thank you.

Mr. WOLF. Thank you very much.

Michael Durant, Peace Officers Research Association of California.

Your full statement will appear in the record.

THURSDAY, MARCH 22, 2012.

PEACE OFFICERS RESEARCH ASSOCIATION OF CALIFORNIA

WITNESS

MICHAEL DURANT, VICE PRESIDENT, PEACE OFFICERS RESEARCH ASSOCIATION OF CALIFORNIA

Mr. DURANT. Good morning, Chairman Wolf, Ranking Member Fattah. It is my privilege and honor to be here before you this morning.

If I may also say hello to the record to my fellow Californians Congressmen Schiff and Honda.

My name is Mike Durant. I am the senior deputy with Santa Barbara County Sheriff's Department. I am here today to represent the Peace Officers Research Association of California which represents more than 63,000 police officers throughout California and Nevada.

We are the largest statewide public safety organization in the country. I am here today to testify about the importance of public safety in California and around our country of the Department of Justice COPS and Edward Byrne Justice Assistance Grant programs.

I want to do that by providing some real-life examples of how the COPS and Byrne-JAG programs have helped deter crime and apprehend criminals in California including by keeping officers on the street.

I am not here to lecture about the possible cuts to the COPS and the Byrne-JAG programs or to claim that other programs, as we just heard, are less worthy of your attention and support.

Our organization simply wishes to provide you with as much information as possible about our experiences with real-world merits

of these programs as you make your decision regarding fiscal year 2013.

Let me start with an example from Los Angeles County. Their Byrne-JAG funds are focused on the following elements of LA County's Anti Drug Abuse Enforcement Team Program.

First the clearinghouse electronic surveillance system known as CHESS. This system is a full-time wire tap unit within the major narcotics division of the LA County District Attorney's Office. The unit focuses on high-level drug dealers and traffickers.

Next the Los Angeles regional criminal information clearinghouse, CLEAR. This clearinghouse is an intelligence gathering entity linked with state and national networks to support all law enforcement agencies in Los Angeles counties and far beyond in coordinating investigations and targeting drug traffic organizations.

Lastly, the Los Angeles Regional Gang Information Network, LARGIN, this network is a multi-jurisdictional project that integrates federal, state, and local law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination, intelligence, investigations related to gangs.

As you can see, while these anti drug programs are all based in Los Angeles, PORAC believes that they have beneficial regional, national, and even international effects.

Moreover, without federal support, it is hard to see how we can maintain these efforts given California's ongoing state and local fiscal crisis.

On a smaller scale, California has received \$300,000 in Byrne-JAG funding for a one-time statewide pilot program for the purchase of laser equipment for tattoo removal of gang affiliated members who have now changed.

As for COPS grants, I first would like to mention an example from Colton, California near San Bernardino. In 2010, COPS hiring grants saved three officers' positions for the Colton Police Department which had already had to lay off nine officers that year in an area experiencing rapid population growth and significantly higher than average crime rate. That kind of support helped the Colton Police Department to make the best of a very challenging situation.

And last, similarly, the Sacramento Police Department last year was able to save 35 officers out of 41 that had been laid off. These positions were gone. They were brought back by the COPS Program.

Simply put, PORAC used the COPS program as a life-saving line for fiscally strapped California.

From talking to our law enforcement colleagues around the country, not to mention the people in our communities who we serve and protect each day, my fellow PORAC officers and I know that the others strongly share that sentiment as well.

Thank you both very much for your time and if I may answer any questions, I would be happy to. I appreciate the privilege of speaking in front of you.

[The information follows:]

Testimony by Michael Durant
Senior Deputy Sheriff, Santa Barbara County, CA Sheriff's Department
House Appropriations Committee
Commerce, Justice, Science, and Related Agencies Subcommittee
Members and Outside Witnesses Hearing on Fiscal Year 2013 (FY13) Budget
Thursday, March 22nd, 2012, 9am
Room H-309, The Capitol

Good morning, Chairman Wolf, Ranking Member Fattah, and other members of the Subcommittee, including fellow Californians Congressman Schiff and Congressman Honda. My name is Mike Durant, a Senior Deputy Sheriff with the Santa Barbara County, California Sheriff's Department. I also serve as Vice President of the Peace Officers Research Association of California, otherwise known as PORAC. PORAC represents over 70,000 public safety officers in California, making our organization the largest state-based law enforcement organization in the country. I am here today to testify about the importance to public safety, in California and around the country, of the Department of Justice's COPS and Byrne Justice Assistance ("Byrne/JAG") grant programs.

I want to do that by providing some real-life examples of how the COPS and Byrne/JAG programs have helped to keep officers on the street to deter crime and apprehend criminals in California. On the other hand, I am *not* here to lecture you about possible cuts to the COPS and Byrne/JAG programs or to claim that other programs prospectively in the CJS bill are less worthy of your attention and support. Instead, PORAC recognizes that you are operating in a very difficult fiscal environment. We simply wish to provide you with as much information as possible about our experiences with the real-world merits of these programs as you make your funding decisions for FY13.

Let me start with an example from Los Angeles County. There, Byrne/JAG funds are focused on the following elements of LA County's Anti-Drug Abuse Enforcement Team Program:

- **The Clearinghouse Electronic Surveillance System (CHESS)** – This system is a full-time wiretap unit within the Major Narcotics Division of the Los Angeles County District Attorney's Office. This unit focuses on high-level drug dealers and traffickers.
- **Los Angeles Regional Criminal Information Clearinghouse (CLEAR)** – This clearinghouse is an intelligence-gathering entity, linked with state and national networks that support all law enforcement agencies in Los Angeles County and beyond in coordinating investigations and targeting drug-trafficking organizations.
- **Los Angeles Regional Gang Information Network (LARGIN)** – This network is a multi-jurisdictional project that integrates federal, state and local law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination, intelligence and facilitating investigations relative to gangs.

As you can see, those anti-drug programs are all based in Los Angeles, but they have a regional, national, and even international effect. Moreover, without federal support, it is hard to see how we could maintain those efforts, given California's state and local fiscal crunch.

On a smaller scale, we have received \$300,000 in Byrne/JAG funding for a one-time statewide pilot program designed to purchase lasers for the removal of noticeable gang affiliated tattoos. Removing gang tattoos will allow former gang members, who already have taken a big step, a better opportunity to enter the workforce, so they can become contributing members of society. Two projects receive funding under this program; one that serves the northern part of California, and the other serves the southern portion of the state. This is a real-world example of long-term crime reduction at work.

As for COPS grants, I would like to mention an example from Colton, California, near San Bernardino. In 2010, COPS hiring grants saved three officer positions for the Colton Police Department, which already had had to lay off nine officers that year. In an area experiencing significant population growth and a higher-than-average crime rate, that kind of support helped the Colton Police Department make the best of a very challenging situation. Similarly, the Fontana, California Police Department saved five officer positions through the COPS hiring program. Simply put, the COPS program is a life-saver in fiscally-strapped California, and I know from talking to my fellow law enforcement brethren that sentiment applies elsewhere in the country as well.

Thank you very much for your time and attention, and I look forward to answering any questions you may have.

Mr. WOLF. Thank you for your testimony and taking the time. Appreciate it.

Mr. FATAH. Even though you said you were not attempting to persuade us one way or the other, you wanted to give us the facts, I think the facts were quite persuasive. Thank you.

Mr. DURANT. Thank you very much for your time.

Mr. WOLF. Thank you.

Is Congressman Ramstad here?

Hi, Jim. How are you? Welcome, Jim.

THURSDAY, MARCH 22, 2012.

NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS

WITNESS

JIM RAMSTAD, SENIOR POLICY CONSULTANT—FORMER CONGRESSMAN, NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS

Mr. RAMSTAD. Thank you, Mr. Chairman, Ranking Member Fattah.

It is nice to see you both again. It is good to be back among friends. It is good to be back among friends to talk about the most cost-effective and successful justice reform in our lifetime as one judge put it. I am referring, of course, to drug courts.

An investment of \$40 million for the Drug Court Discretionary Grant Program at DOJ will save approximately \$134 million in criminal justice and victimization costs alone according to a recent study.

Another study showed that for every dollar invested in drug courts, \$27.00 is saved on fewer emergency room visits, other healthcare, foster care, and welfare costs, property losses, criminal justice, and incarceration costs.

Law enforcement prosecutors and governors agree that substance abuse is a national concern with shared responsibilities among federal, state, and local government. That is why governors across the Nation, democrats and republicans alike, have made drugs courts a priority.

New Jersey governor Chris Christie who is expanding drug courts in New Jersey to serve every nonviolent drug addicted offender in his state said recently, and I quote, experience has shown that drug courts are two-thirds less expensive than prison, two-thirds less expensive than prison, Governor Chris Christie said.

In addition to a proven cost-effective budget solution, drug courts promote public safety and address the alarming number of addicted veterans returning from Iraq and Afghanistan. It is no wonder drug courts have such widespread bipartisan support. When was the last time that Al Franken and Bill Bennett agreed on anything while both support drug courts?

Former drug czar Bill Bennett summed it up by saying, quote, in drug courts, America has found not only a solution to an important public policy problem, it has hit again upon an essential truth, the power of personal responsibility and accountability.

Drug courts save lives, reunite broken families, and resurrect shattered careers and lost jobs. Remarkably, remarkably 75 per-

cent of drug court graduates remain arrest free compared to 30 percent of offenders released from prison. That study was done over a ten-year period.

Mr. Chairman, Congress and this committee in particular have seen drug courts as a cost-saving and proven public safety solution that works. Over 2,600 communities have now established drug courts because they work better than incarceration and treatment alone for addicted nonviolent offenders.

Drug courts reduce drug abuse and crime more cost effectively than any other justice strategy and I would cite the GAO study done last year which was quite comprehensive reviewing all of the research in the area.

But, once again, Mr. Chairman, the Administration has unfortunately proposed combined funding for drug courts with an unauthorized problem solving court initiative. With all respect, the Administration, I believe, is turning a blind eye to the evidence and attempting to dilute drug court funding.

Fortunately this committee and Congress had the wisdom in fiscal year 2012 funding to dedicate drug court funding for the Drug Court Discretionary Grant Program so our Nation can continue to benefit from this proven program.

Continued federal investments in drug courts coupled with state led initiatives are the first step towards serving the 1,200,000 people in the criminal justice system identified by DOJ as being eligible for drug court but unable to gain access.

Expanding drug courts to reach these 1.2 million nonviolent addicted offenders will save over \$30 billion a year.

I want to thank Members of this committee on both sides of the aisle for supporting \$40 million for drug courts in fiscal year 2012 and I respectfully request that you fund drug courts at least at the same level in fiscal year 2013.

Now, I fully realize having served here for 18 years and having just recently left, I fully realize the monumental task before you with the huge deficit and the mind-boggling debt. That is why I ask the fundamental question. How much longer can this Nation continue spending \$60 billion a year building new prison cells, \$60 billion a year building more prison cells with minimal return on investment compared to drug courts?

That is also why it is imperative to support drug courts and the cost savings they generate.

Let me close, Mr. Chairman, by telling you how I know that drug courts work. I know because I woke up in a jail cell 31 years ago in Sioux Falls, South Dakota under arrest for disorderly conduct, resisting arrest, and failure to vacate the premises. It was my last, I am grateful to say, alcoholic blackout.

But for the grace of God and the access I had to treatment, I would be dead by now from my alcoholism. Thankfully I had the same access to treatment, the same access that drug courts provide every single day across America, treatment that saved my life and allowed me to serve 28 years in public office and stay sober every day for 31 years.

Thank you, Mr. Chairman, for the privilege of testifying before you.

[The information follows:]

**U.S. House of Representatives, Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
"FY 2013 Members and Outside Witness Hearing"**

**Testimony of Former Congressman Jim Ramstad, Senior Policy Advisor,
National Association of Drug Court Professionals**

March 22, 2012

Chairman Wolf, Ranking Member Fattah, distinguished Members of the Subcommittee, I am pleased to once again have the honor of testifying before you on an issue that I believe is of the utmost importance to our country. According to the Conference of Chief Justices, Drug Courts are the most cost-effective and successful justice reform in our lifetime. An investment of \$40 million for the Drug Court Discretionary Grant Program at the Department of Justice (DOJ) will save upwards of \$134 million from avoided criminal justice and victimization costs alone and result in over \$1.1 billion in additional benefits to our economy.

Once again, the Administration has proposed combining funding for Drug Courts with an unauthorized 'Problem-Solving Court' initiative. The Administration is turning a blind eye to the evidence and I am gravely concerned about the short-term and long-term effects of diluting Drug Court funding. In FY'12 Congress had the wisdom and vision to provide dedicated Drug Court funding for the Drug Court Discretionary Grant Program so that our nation can continue to reap the substantial societal and economic benefits of this proven program. I wish to thank this committee for supporting \$40 million for Drug Courts in FY'12 and request that the Congress funds Drug Courts at a minimum of \$40 million at DOJ in FY'13.

It is no secret that this issue is close to my heart. For two decades in Congress I fought hard to end discrimination against those suffering from mental illness and chemical addiction. During that time, I had the privilege of working closely with many of you. Drug Courts were initially authorized during my first term on the House Judiciary Committee, and Former Congressman Patrick Kennedy and I founded the Addiction, Treatment, and Recovery Caucus. With the support of many of you on this Subcommittee, we passed the Mental Health and Chemical Addiction Treatment Equity Act, which was signed into law by President George W. Bush in 2008. This law has already increased access to treatment. I am here today to talk about another justice reform that deserves your continuing support.

The Federal Role

As I have previously stated, Drug abuse is a national security issue directly impacting every facet of society. From the economy, to border security, to the safety of our neighborhoods, drug abuse drains federal, state, and local resources and places an unjust burden on all law-abiding citizens. For over five decades, Congress has legislated a national response and the Government Accountability Office (GAO) has consistently called for cohesive and central oversight over drug enforcement and demand reduction efforts.

Until the demand for drugs is eliminated, drugs will remain a national concern necessitating a shared responsibility between federal, state and local governments. This shared responsibility is evidenced by our national strategies to protect our borders, stop prescription drug abuse and trafficking, reduce victimization, and execute evidence-based demand reduction strategies such as Drug Courts.

There is simply no way for the States, acting individually or in concert, to approach this level of coordination and sophistication in training and technical assistance. The economies-of-scale and capacity to amass national expertise through federal support cannot be matched in a piecemeal state-by-state approach. Only through a combination of state and federal funding will Drug Courts remain the most successful criminal justice strategy in our nation's history. Federal funding not only ensures program success, but provides the training and development of long-term state and community funding strategies.

A Proven Budget Solution

From an investment perspective, Drug Courts are the equivalent of a "blue-chip stock" that can be confidently relied upon to produce sustained and predictable returns on investment.

Congress has traditionally seen Drug Courts as a budget solution and has continually made the investment to ensure their growth and sustainability. As states seek a solution for overburdened budgets and overcrowded prisons, Governors are looking to Drug Courts as a program that provides across-the-board results and immediate savings for taxpayers. In Georgia, Governor Nathan Deal is investing \$10 million in the expansion of Drug Courts throughout the state. In Michigan, Governor Rick Snyder just announced a plan to reduce crime in four of the nation's most violent cities by investing in Drug Courts. And in New Jersey, Governor Chris Christie is expanding Drug Courts to serve every non-violent, drug-addicted offender in the state. Continued Federal investments in Drug Courts, coupled with state-led initiatives, are the first step toward serving the 1.2 million individuals in the criminal justice system identified by the Department of Justice as being eligible for Drug Court but unable to gain access. Expanding Drug Courts to reach these 1.2 million individuals will save over \$30 billion annually.

The staggering monetary returns produced by Drug Courts are backed by rigorous scientific studies. Using advanced statistical procedure called Meta-analysis, the Urban institute concluded that Drug Courts produce an average of \$2.21 in direct benefits to the criminal justice system for every \$1 invested — a 221% return on investment. When Drug Courts targeted their services to the more serious, higher-risk drug offenders, the average return on investment was determined to be even higher: \$3.36 for every \$1 invested.

These cost savings are *not* hypothetical, contingent or remote. They reflect verifiable, measurable cost-offsets to the criminal justice system stemming from reductions in re-arrests, law enforcement contacts, court hearings, and jail or prison beds. Moreover, the financial

benefits found in the study were realized within the same or immediately ensuing calendar year in which the initial expenditures were made.

When other indirect cost-offsets to the community were taken into account — such as savings from reduced foster care placements and healthcare service utilization — studies have reported economic benefits ranging from approximately \$2 to \$27 for every \$1 invested. The net result has been economic benefits to local communities ranging from approximately \$3,000 to \$13,000 per drug court participant.

Given the abysmal outcomes of incarceration on addictive behavior, there's absolutely no justification for governments to continue to waste our tax dollars feeding a situation where generational recidivism has become the norm and parents, children and grandparents are finding themselves locked up together.

A Proven Public Safety Solution

Today, over 2,600 communities have found a solution in Drug Court. A compelling reason behind this unprecedented expansion is that Drug Courts work better than incarceration or treatment alone. Drug Courts reduce substance abuse and crime more effectively and at less expense than any other justice strategy.

Late last year the GAO released its fourth report on Drug Courts, concluding once again that Drug Courts reduce recidivism and cut crime. The report validated existing research by examining over 30 scientifically rigorous studies involving more than 50 Drug Courts nationwide. Of the 32 programs reviewed, 31 showed reductions in recidivism. Drug Court participants were found to have up to a 26 percent lower rate of recidivism than comparison groups. Re-arrest rates for Drug Court graduates were found to be up to 58 percent below comparison groups.

The GAO included in its research review the National Institute of Justice's National Multi-Site Adult Drug Court Evaluation (MADCE), which it called "the most comprehensive study on Drug Courts to date." This five-year study found that Drug Courts not only significantly reduce recidivism and drug use, but also increase employment, education, family functioning and financial stability.

Conclusion

Now more than ever we must focus on proven programs that guarantee financial returns and measurable success. There is simply no better investment this Congress can make than Drug Courts. Drug Courts have been proven through rigorous scientific research to decrease crime, save taxpayer dollars, rehabilitate offenders, and restore families and communities. No other criminal justice or behavioral healthcare program has comparable evidence of success. Where the Federal government led the charge, state and localities have picked up the mantle and continued the work seamlessly. One would be hard pressed to identify another federal program

that has been as avidly endorsed and sustained by States and local counties. Supported by policy analysts on both ends of the political spectrum, Drug Courts offer a roadmap for a practical, evidence-based and fiscally conservative federal drug policy.

I strongly urge an investment of \$40 million for the Drug Court Discretionary Grant Program at DOJ.

Mr. WOLF. Thank you, Jim, I appreciate your testimony, and I think you make a very powerful case and it is good to see you.

Mr. RAMSTAD. Well, it is certainly good to see you and my friend Ranking Member Fattah, I appreciate the good work that you do and the way you do it in a bipartisan way as much as possible, I admire that very much.

Just one briefly comment further, Mr. Chairman, if I may, and I will keep it very brief.

Unfortunately a group, the Drug Policy Alliance has apparently made numerous claims about drug courts before this subcommittee that simply are not true, and again, I would reference the GAO study last year which refutes much of the testimony they submitted.

So I would ask if it is appropriate for a witness to submit for the record a——

Mr. WOLF. Sure, without objection that would be fine, Jim.

Mr. RAMSTAD [continuing]. A position paper from the National Association of Drug Court Professionals——

Mr. WOLF. Sure.

Mr. RAMSTAD [continuing]. In opposition to that testimony.

Mr. WOLF. Sure.

Mr. RAMSTAD. Thank you.

Mr. FATTAH. Thank you very much and keep up the good work. Always good to see you.

Mr. RAMSTAD. Always good to see you. I appreciate your good work as well. Thank you.

Mr. WOLF. Thank you, Jim.

Mr. RAMSTAD. Thank you, Mr. Chairman.

[The information follows:]



Drug Courts are the Answer

Setting the Record Straight: Responding to Drug Policy Alliance (DPA) and Justice Policy Institute (JPI) Attacks on Drug Courts

The Research

DPA and JPI say, "Claims that drug courts have significantly reduced costs, incarceration or drug use are unsupported by the evidence." The scientific community disagrees. Using advanced statistical procedures called meta-analyses¹, independent researchers from seven different leading academies have all concluded that Drug Courts significantly reduce crime and return financial benefits to taxpayers that are many times the initial investment.

A recent cost-related, meta-analysis concluded that Drug Courts produce an average of \$2.21 in direct benefits for every \$1.00 invested – a 221% return on investment. When savings from reduced foster care placements, healthcare utilization and other distal cost offsets are also taken into account, Drug Courts return to the community up to \$27 for every \$1 invested. The vast majority of Drug Courts reduce crime, in some cases by up to 50%, and the longest study to date shows these effects lasted an astounding 14 years.

One of the most powerful studies of a Drug Court to date was conducted in Baltimore by researchers from the University of Maryland at College Park. Participants who were randomly assigned to the Baltimore City Drug Treatment Court (BCDTC) had far better outcomes than other drug offenders on every measure of criminal recidivism including fewer re-arrests for new crimes, fewer convictions for new crimes, and fewer days of incarceration. The BCDTC clients also attended more than twice the number of therapy sessions, remained enrolled in substance

¹ Because only conclusions from high-caliber research can be considered definitive by the scientific community, meta-analyses carefully and systematically excludes poor-quality studies from consideration. Only studies meeting high scientific standards of methodology and analysis merit inclusion.

abuse treatment for several months longer, and used significantly less illicit drugs and alcohol. All of these superior effects remained statistically significant and clinically robust for at least three years, which marked the endpoint of the study.

Target Population

JPI and DPA claim that “the participants most likely to do well in drug courts are those without a drug problem.” According to the scientific community, the exact opposite is true. Several of the meta-analyses referenced earlier concluded that Drug Courts are most effective when treating seriously addicted individuals with long, criminal histories and poor prognoses for success in standard treatment. In other words, Drug Courts are most successful when treating a population most in need of treatment and most unlikely to be successful in any other treatment setting.

This is precisely the population being targeted by the Drug Courts in Baltimore City where the vast majority of participants have been addicted to drugs for decades. Most come from economically impoverished areas replete with generational drug usage and use on average \$50 to \$200 of heroin and cocaine a day. They have committed numerous crimes to support their habits and are facing prison sentences. The vast majority emerge from Drug Court as employed, taxpaying members of their communities.

Net Widening

DPA and JPI report that “Drug Courts have been associated with increased arrests and incarceration,” a phenomenon known as “net-widening.” Neither organization has yet to provide any empirical evidence to support this claim. The lone citation for their assertion comes from a non-empirical law article written by a judge in Denver over a decade ago. In it, the judge – a vociferous critic of Drug Courts – alleges that arrests for drug offenses increased in Denver at around the same time as the advent of the Drug Court. He opined that the police must have been arresting more people because they now had a place to put them.

In fact, this anecdotal speculation was disproven as soon as it was offered. Studies in Denver published before 2001 proved that net-widening did not, in fact, occur; indeed, imprisonment for drug offenses declined after the Drug Court came into being. Drug Courts were created for the very reason that drug crimes were already on the rise. In fact, rising drug arrests often contribute to the creation of local Drug Courts – not the other way around.

Community Drug Treatment

DPA and JPI argue “Treatment through the criminal justice system, including Drug Courts, is not found to be more effective than treatment in the community.” First, their comparison between

Drug Court and treatment in the community is perplexing considering Drug Courts are treatment in the community. Certainly, we all would agree that drug-dependent citizens should not need to be arrested in order to receive high-quality treatment, case management, and long-term support to find recovery. But outside of Drug Courts, at least half of addicted offenders never enroll in treatment and another 50% drop-out before receiving any benefits. Less than 5% achieve long-term sobriety. Drug Courts improve treatment completion rates six-fold from what DPA and JPI say is the ideal.

Furthermore, DPA and JPI cite a Washington State Institute for Public Policy (WSIPP) study that they claim reports “Drug Courts do not reduce recidivism by even a half a percentage point more than treatment in the community.” This statement reflects a fundamental misunderstanding of how research is conducted. Actually, the WSIPP study compared Drug Court to “business as usual” as defined by the researchers as drug treatment in the community. After reviewing 57 studies representing over 19,000 participants, the WSIPP study actually showed that Drug Courts were 8% more effective than drug treatment in the community alone.

Racial Disparities

Finally, in their reports DPA and JPI say that Drug Courts discriminate against racial and ethnic minority citizens by excluding them from treatment or punishing them more severely than non-minorities. This is a patently false claim. Drug Courts reduce sentencing disparities for minorities by offering an effective, treatment-oriented alternative to jail or prison. Minority clients perform just as well in Drug Courts as anyone else, taking into account the seriousness of their addiction and other problems they may face that require treatment and remedial attention. In some Drug Courts, like those in Jefferson County, Kentucky, African-American participants had the best outcomes of all – about twice as good as those of Caucasians.

Drug Courts demonstrate that drug-related crime can remain illicit while providing a health-centered response to addiction. Unfortunately, DPA and JPI attack Drug Courts based solely on ideology and supported only by cherry-picked data and anecdotes. While not every Drug Court is perfect, we know that the vast majority outperform every other strategy for drug addicted offenders. An examination of the research reveals that Drug Courts are this nation’s most effective strategy for reducing substance abuse, crime, and recidivism while saving tax-payers a fortune.

For more information please contact West Huddleston, CEO at whuddleston@nadcp.org or Doug Marlowe, J.D., Ph.D., Chief of Science, Law and Policy at dmarlowe@nadcp.org.

Mr. WOLF. Ted Qualli of Big Brothers Big Sisters of America. All these Pennsylvania people.

Mr. QUALLI. I was born in South Philadelphia at St. Agnes.

Mr. WOLF. St. Agnes.

Mr. QUALLI. In the congressman's district.

Mr. WOLF. I had my tonsils taken out in St. Agnes, and used to watch the Mummers Day Parade from the window there. That goes right down—

Mr. QUALLI. And sadly my answer to the previous question is cheesesteaks and hoagies, guys.

THURSDAY, MARCH 22, 2012.

BIG BROTHERS BIG SISTERS OF SOUTHEASTERN PENNSYLVANIA

WITNESS

TED QUALLI, VICE PRESIDENT, EXTERNAL AFFAIRS AND MARKETING—BIG BROTHERS BIG SISTERS OF SOUTHEASTERN PENNSYLVANIA, BIG BROTHERS BIG SISTERS OF AMERICA

Mr. QUALLI. Thank you, Chairman Wolf and Ranking Member Fattah for inviting Big Brothers Big Sisters to testify in support of fiscal year 2013 funding for the Office of Juvenile Justice and Delinquency Prevention.

I do work for the Philadelphia agency, but today I am here on behalf of the more than 400,000 mentors and mentees—or bigs and littles as we call them—in our network of 355 local affiliates.

We are the Nation's only scientific evidence-based mentoring program and we have been doing this work for more than a century.

Beyond the human cost mass of incarceration especially in a strained economic environment is just not fiscally viable.

As a Nation we need to take a hard look at how we spend and how we invest. We need to reduce the number of individuals entering the criminal justice system and that means investing in youth development.

We join with our Act 4 Juvenile Justice Campaign colleagues in requesting adequate funding for critical juvenile justice and delinquency prevention programs, and we also recognize the challenges that Congress has especially this year given the discretionary spending caps contained in the Budget Control Act of 2011; however, we do urge the committee to continue to be thoughtful and invest in prevention and intervention, especially in those programs with a proven track record and that scientific body of evidence.

OJJDP's Youth Mentoring Grants Program is an up front and forward thinking investment that diverts at-risk and high-risk youth away from the criminal justice system. Investing in youth mentoring could be considered insignificant when compared to the alternative downstream costs of arrests, prosecution, and incarceration.

It requires approximately \$88,000 a year to incarcerate a juvenile offender, but Big Brothers Big Sisters on the other hand needs just \$1,220 a year to mentor a child. And while states bear the entire cost of that incarceration funds appropriated for youth mentoring can and should be used to leverage hundreds of millions in

private and foundation donations, thereby multiplying the effect of public investment.

With competitively awarded grant funding the Big Brothers Big Sisters network launched a three-year juvenile justice initiative in fiscal year 2010 to reduce the incidents of juvenile crime in underserved communities across the country. Ten pilot sites were established and I am proud to say that my agency was one of them.

Collectively we are directing Big Brothers Big Sisters learning around how to effectively establish relationships with the juvenile justice system nationwide. We are studying which segments of youth we can most positively impact and effectively serve, and we are figuring out how to effectively navigate the juvenile justice system as a youth service agency.

Outcome data and assessments from all ten locations are reviewed and researched-based best practices are being extracted and broadly applied to the international network.

We have discovered that some of the specific settings where high-risk youth could benefit from our mentoring model, include delinquency and dependency courts, probation, schools, detention and correction centers.

In the second phase of this initiative we are enhancing its impact with an increased focus on truant youth, especially important in Philadelphia, and youth living with military or deployed parents.

The work with my agency and the nine other pilot sites continues with an increased emphasis on extracting that truancy prevention and intervention best practices so that in the final phase we can expand this to all 355 agencies across the country.

The vision for our future work in the juvenile justice arena is for our efforts to progress beyond this initiative and we aim to become both a preferred alternative to youth incarceration as well as a critical prevention-based partner to the exceptionally vulnerable youth in the child welfare system.

Big Brothers Big Sisters network will need to continue to develop innovative trainings, research, partnerships, and models to accomplish these ambitious goals.

And so in closing we understand the pressures to reduce the scope, the size, and the cost of government, and we urge the committee to continue to view juvenile justice programs in general and the youth mentoring grants and triable youth programs in particular as small investments with big dividends.

We ask that you keep in mind that the children we are mentoring today are the future parents of our grandchildren, and if we are to be serious about the long-term fiscal and social discuss of our Nation we need to insure the success of your children today.

We thank committee for this opportunity and I am happy to answer any questions.

[The information follows:]

TESTIMONY OF
TED QUALLI
ON BEHALF OF
BIG BROTHERS BIG SISTERS OF AMERICA
230 NORTH THIRTEENTH STREET
PHILADELPHIA, PA 19107

BEFORE

THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
MARCH 22, 2012

H-309 U.S. CAPITOL

Mr. Chairman, I thank you and the subcommittee for once again permitting Big Brothers Big Sisters to testify in support of Fiscal Year 2013 funding for the Office of Juvenile Justice & Delinquency Prevention. On behalf of the over 400,000 Bigs and Littles our network of 355 local affiliates screen, match, and support, I am here to respectfully advocate for the most robust funding possible for the competitive Youth Mentoring Grants program.

My name is Ted Qualli and I am the Vice President, External Affairs of Big Brothers Big Sisters Southeastern Pennsylvania. But today I am here to represent Big Brothers Big Sisters of America and the entire Big Brothers Big Sisters network. Big Brothers Big Sisters is the nation's only evidence-based mentoring program focusing on proven outcomes in a scalable model across all 50 states. Our mission is to help children reach their potential through professionally supported, one-to-one mentoring relationships with measurable impact. We are a grassroots organization of 355 local BBBS agencies serving thousands of communities throughout the country. We began over a century ago to provide services to at-risk youth in need of additional support and guidance, and last year as a national network we served over 200,000 children and youth in one-to-one mentoring relationships.

We know that our nation's children face greater obstacles today than ever before. The Office of Juvenile Justice and Delinquency Prevention's 2006 National Report on Juvenile Offenders and Victims indicates that:

- In 2002, one in twelve murders in the U.S. involved a juvenile offender.
- One of every four violent crime victims known to law enforcement is a juvenile.
- Thirty-two percent of youth ages 12 to 17 report recently using alcohol and marijuana.
- Almost half of all juvenile arrests in 2003 included charges for larceny-theft, simple assault, a drug abuse or liquor law violation, and disorderly conduct.

According to two more recent OJJDP studies, police make approximately 2.1 million juvenile arrests each year, with 1.7 million youth referred to the court system and 200,000 youth prosecuted in the adult criminal justice system.¹ The average annual cost of incarcerating a youth in a juvenile facility is \$88,000 a year.² In many states, the single highest budget expense behind Medicaid is Department of Corrections spending. After decades of ever-increasing numbers of incarcerated individuals, the United States now has the highest rate of incarceration of any county in the world. Nearly 1 in every 100 citizens is currently incarcerated and a staggering 1 in every 31 adults is under some form of correctional control.³

¹ Puzzanchera, C. (December 2009). Juvenile Arrests, 2008. Washington, DC, Juvenile Justice Bulletin, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, available at: <http://www.ncjrs.gov/pdffiles1/ojjdp/228479.pdf>

Knoll, C. and Sickmund, M. (June 2010) Delinquency Cases in Juvenile Court, 2007. Washington, DC, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, available at: <http://ncjrs.gov/pdffiles1/ojjdp/230168.pdf>

² *Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, American Correctional Association as reported by the Justice Policy Institute, May 2009, page 4, http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement_JJ_PS.pdf

³ http://www.pewcenteronthestates.org/uploadedFiles/PSPP_1in31_report_FINAL_WEB_3-26-09.pdf

Beyond the human cost, in such a strained fiscal environment mass incarceration is not fiscally viable. As a nation we need to take a hard look at how we spend and how we invest. We need innovative responses that are evidence-based and that have real and long-term cost-saving benefits. At the adult offender level that may mean “justice reinvestment” and alternatives to incarceration. But we know the nation, and Congress, are genuinely concerned about the financial success and stability of our children and grandchildren. We need to reduce the number of individuals entering the criminal justice system - and that means investing in youth development.

There is a difference between investment and spending. We join with our Act-4-JJ Campaign colleagues in requesting adequate funding for critical juvenile justice and delinquency prevention programs such as the JJDPa Title II State Formula Grant Program, JJDPa Title V Delinquency Prevention Program and the Juvenile Accountability Block Grant Program. We all recognize the challenges that Congress will face this year, especially given the discretionary spending caps contained in the Budget Control Act of 2011, but urge the Committee to continue to be thoughtful and invest in prevention and intervention.

Programs such as the OJJDP’s Youth Mentoring Grants are upfront and forward-thinking investments that divert at-risk and high-risk youth away from the criminal justice system. Investing in youth mentoring could be considered insignificant when compared to the alternative downstream costs of arrest, prosecution and incarceration. While it may require \$88,000 a year to incarcerate a juvenile offender, Big Brothers Big Sisters needs just \$1,220 a year to mentor a child in a one-to-one relationship. Furthermore, while States bear the entire cost of incarcerating an individual, funds appropriated for youth mentoring can and should be used to leverage hundreds of millions in private and foundation donations – thereby multiplying the effect of public investment.

The Big Brothers Big Sisters program model incorporates all leading best-practices and is effective at producing positive youth outcomes. There is strong evidence that makes the case for placing a Big Brother or Big Sister in the life of an at-risk youth in order to prevent and respond to juvenile delinquency and victimization. Our program model works as an effective and efficient strategy for supporting at-risk youth. According to 1995 Public/Private Ventures’ (P/PV) landmark impact study,⁴ children who are matched with a Big Brother or Big Sister were:

- 46% less likely to begin using illegal drugs
- 27% less likely to begin using alcohol
- 52% less likely to skip school
- 37% less likely to skip a class
- more confident of their performance in schoolwork
- less likely to hit someone
- getting along better with their families

⁴ Tierney, J.P., Grossman, J.B., and Resch, N.L. (1995) Making a Difference: An Impact Study of Big Brothers Big Sisters. Philadelphia: Public/Private Ventures

Minority children who were mentored by a Big Brother or a Big Sister experienced an even more significant impact as they were 70% less likely to begin using illegal drugs and alcohol than their (non-mentored) counterparts.

Intuitively we know that children with less drug or alcohol use, less truancy, better academic performance and strong family lives are less likely to be involved in the criminal justice system. However, Big Brothers Big Sisters is also relentless in our drive to develop hard data resources. Our current *Nationwide Strategic Direction* reinforces our dedication to expanding and improving the impact our mentoring programs have on the youth that are at the greatest risk of entering, or are already in, the juvenile justice system. This firm commitment to averting youth away from juvenile delinquency has manifested itself in the creation of the Big Brothers Big Sisters Juvenile Justice Initiative.

In Fiscal Year 2010, Big Brothers Big Sisters of America partnered with the University of Illinois at Chicago and was awarded a Mentoring Best Practices Research grant to build off of our evidence-based model and attempt innovation in areas critical to yielding better outcomes for higher risk youth: match support, mentor training, match activities and overall staff development. This work has attracted great focus from the research community and we were able to leverage the investment in innovation and collaborate with the Thrive Foundation for Youth. As a result, we are piloting the integration of improved mentoring training and support into our mentoring model at 11 agencies. A randomized control trial conducted by Drs. David DuBois from the University of Illinois at Chicago and Tom Keller from Portland State University will evaluate the comparative effectiveness of this enhancement vis-à-vis Big Brothers Big Sisters' proven community-based mentoring model.

Big Brothers Big Sisters' Native American Mentoring Initiative, funded in Fiscal Year 2010 and 2011, is designed to reduce the juvenile delinquency, alcohol and drug use, truancy, and other risky behaviors of American Indian and Alaskan Native (AI/AN) youth in strategically selected communities in Indian Country. Through tribal mentorship, along with reduction of risky behaviors and promotion of health and wellbeing, BBBS seeks to support the foundation of Native self-identification through recognition of tribal morals and values of community. By pairing high-risk tribal youth with positive adult mentors and focusing on culturally-enriching mentoring programs that emphasize tribal specific activities and promote engagement with tribal elders, BBBS is increasing positive outcomes for tribal youth in need.

The program works with local tribal law enforcement agencies, tribal schools and tribal youth-serving programs to recruit high-risk and at-risk program participants. The Native American Mentoring Initiative has developed significant national partnerships including a resolution with the Affiliated Tribes of Northwest Indians (ATNI) and National Congress of American Indians (NCAI). As a result of these combined efforts, we have matched 221 tribal youth with 221 tribal mentors - 17 months into the 36 month project. In addition, 22 tribal resolutions have been signed showing great commitment from tribal leadership to the Big Brothers Big Sisters mentoring program.

With another competitively awarded Fiscal Year 2010 National Mentoring Programs grant we committed to reducing the incidence of juvenile crime in underserved communities across the country by expanding our evidence-based mentoring services to more than 7,500 newly

identified high-risk and at-risk youth – and to date we have exceeded our goal by 45%. We also established ten pilot sites, and my agency is one of them, to direct our learning around how to effectively build relationships with juvenile justice systems and organizations that will yield referrals of youth who are currently or previously involved with the juvenile justice system. The pilots have enabled the BBBS network to study which segments of youth Big Brothers Big Sisters can best impact, what resources agencies need to effectively serve this population, and how to efficiently navigate the juvenile justice system as a youth service organization. Outcome data and assessments from all ten locations are reviewed and research-based practices are extracted and broadly applied to other Big Brothers Big Sisters affiliates serving communities with particularly high populations of high-risk delinquent youth.

OJJDP defines “at-risk youth” as youth exposed to high levels of risk in their families, homes, communities, and social environments to such a degree that it could lead to educational failure, dropping out of school, or juvenile delinquency. Historically, this has been the population that Big Brothers Big Sisters has served. The Department of Justice’s investment in our Juvenile Justice Initiative represents confidence in our network’s ability to increase the number of high-risk youth – youth with present or past involvement with the juvenile justice system - that we serve across the country.

To date we have formalized high-risk referral sources, built resources for the larger mentoring and delinquency prevention field, and set up the infrastructure to measure the specific diversionary impact Big Brothers Big Sisters mentoring programs have on at-risk and high-risk youth from juvenile delinquency, alcohol and drug use, truancy, and other problem behaviors. Some of the specific settings where high-risk youth could benefit from Big Brothers Big Sisters mentoring programs that have been identified for preferred partnerships include: delinquency and dependency courts, probation, schools and detention and correction centers. Currently 117 of these local partnerships have formally been established and we are just 17 months into the 36 month Juvenile Justice Initiative.

The second phase of the initiative, being funded with a competitively awarded Fiscal Year 2011 grant, is aimed at expanding the reach of the Juvenile Justice Initiative to 29 additional local affiliates and enhancing its impact with an increased focus on truant youth and youth living with military or deployed parents. The work with my agency and nine other pilot sites continues with an increased emphasis on extracting truancy prevention and intervention best practices – as well as testing improved measurements of Big Brothers Big Sisters risky behavior outcome data. A number of National Juvenile Justice partnerships, including the American Probation and Parole Association and the National Center for School Engagement, have already been established to help drive network capacity to better serve at-risk and high-risk youth.

The final phase of the Juvenile Justice Initiative, scheduled for Fiscal Year 2012, is aimed at expanding the Big Brothers Big Sisters Juvenile Justice mentoring model to the entire network. This vast expansion includes the ability for all agencies to collect relevant juvenile justice data, the rollout of mentor and staff trainings specific to working with this population, and real-time tracking of youth outcomes as they relate to risky behaviors and delinquency. In addition, Big Brothers Big Sisters will release a formal publication of best practices for working with high-risk youth and an analysis of the Juvenile Justice Initiative successes. Ultimately, by the end of this

three-phased initiative, Big Brothers Big Sisters of America will have the infrastructure, data, and commitment to expand the Juvenile Justice Initiative to all 355 Big Brothers Big Sisters agencies and the over 42,000 youth on Big Brothers Big Sisters waiting lists to better substantiate the necessary role of mentoring in juvenile delinquency prevention and share with the larger community the practices, data, and research to maximize impact.

The vision for Big Brothers Big Sisters' future work in the juvenile justice arena is for our efforts to progress further than this initial Juvenile Justice Initiative. We aim to become both a preferred alternative to youth incarceration, as well as a critical prevention-based partner to the exceptionally vulnerable youth in the child welfare system. The Big Brothers Big Sisters network will need to continue to develop innovation, trainings, research, partnerships and models to accomplish these ambitious, but achievable, goals.

In closing, Big Brothers Big Sisters of America fully understands the legitimate pressure on Congress to reduce the scope, size and cost of government. However, we urge the Committee to view juvenile justice programs in general and the Youth Mentoring Grants and Tribal Youth programs in particular as small investments with big dividends. We ask you to keep in mind that the children we mentor today are the future parents of our grandchildren. If we are to be serious about the long-term fiscal and social success of our country, we need to ensure the success of our children today. Big Brothers Big Sisters sincerely thanks this Committee for its past leadership on behalf of youth-development and respectfully appeals for your continued support.

Mr. WOLF. Thank you very much. Is St. Agnes still on Broad Street?

Mr. QUALLI. It is still on Broad Street, but it is no longer delivering babies, I know that much.

Mr. WOLF. Yeah. Well, the other thing is I think I learned to swim at the big brothers in—it was on 22nd—

Mr. QUALLI. Van Pelt.

Mr. WOLF. No, it was like 22nd and Walnut or—I forget. I mean it is blurry now, but it was—anyway.

No, I know you do a good job, I know it is a good program with that. But I thank you for your testimony.

Mr. QUALLI. Thank you, Mr. Chairman.

Mr. WOLF. Mr. Fattah.

Mr. FATAH. It was probably the Y at 20th and Chestnut.

Mr. WOLF. No, it wasn't the Y. No, it was a Big Brothers. You were probably not—

Mr. FATAH. The chairman and I have been the very focus you mentioned. I can't imagine a more important priority and we appreciate the work you do for Brothers and Sisters. Thank you.

Mr. QUALLI. Thank you, sir.

Mr. WOLF. Thank you very much.

Mr. QUALLI. Thank you.

Mr. WOLF. Jan Fortney, Conway Human Development Center Parent/Guardian Group, and there is another one, you might want to come up together, Alan Fortney, Past President. Do all three of you want to come up together? And Patricia Borrelli. No. Okay, the two. Are you related?

Mr. FORTNEY. Yes.

Mr. WOLF. Okay. Yeah, good. Well, I think you can sit together then. Welcome.

Ms. FORTNEY. I will go first.

Mr. WOLF. Okay.

THURSDAY, MARCH 22, 2012.

CONWAY HUMAN DEVELOPMENT CENTER PARENT/ GUARDIAN GROUP

WITNESS

JAN FORTNEY, VICE-PRESIDENT, AND ALAN FORTNEY, PAST PRESIDENT, CONWAY HUMAN DEVELOPMENT CENTER PARENT/GUARDIAN GROUP

Ms. FORTNEY. I am Jan Fortney, I am the vice president of our Conway Human Development Center Parent Group.

This is my daughter, Kim. She has severe handicapping conditions and she is profoundly intellectually disabled. This is Kim at 17 months old. This is Kim last week turned 37. She is still mentally 17 months old and always will be.

Kim spent her first 18 years at our home, and at that time she seemed to be wanting something different, some independence from mom and dad. She didn't want to be at home anymore, which broke my heart, but you know, after that time she had gone to special camps and all different things, training programs, schools. She has been in school since she was 11 months old and I have been with

her the whole time. So we were like almost joined at the hip, you know, just taking care of her life.

But at that point I made the most difficult decision of my life for her to go away from us, and for the past 18 years she has had a wonderful living at the Conway Human Development Center.

The Conway Center is an intermediate care facility for people with intellectual disabilities. It is Medicaid certified, it is licensed, and it is certified by CARF, which is an accreditation—nationally known accreditation rehabilitation group.

Kim has thrived at the CHDC. That is her home. She comes home and spends time with us weekly, but she wants to go to her home. That is her independence. And when I take her through the door she is like bye mom, you know, this is my house, you know.

She goes to class, she is very active, she goes to the gym, the pool, church, she even takes some horseback riding therapy each week. Kim is very physically involved so that is a hard thing for them to be able to do, but this is her home and she loves it and she is more active than she could be if she were with me.

I have taken great offense to the Department of Justice's aggressive efforts to close my daughter's home. For eight years we worried and cried and prayed that the justice would come and it did. They were vindicated and Arkansas prevailed in that lawsuit against DOJ.

But I can tell you that I sat through that courtroom and I did not testify, but I could have, I was called to testify if need be. As you can see it is probably a good thing I didn't. But I sat through that courtroom day after day, and the multitude of lawyers, there were 15 lawyers from DOJ that day, the very first day to our four lawyers that defended our state center.

It was grueling, the attorneys were very disrespectful. Two DOJ attorneys actually passed notes, laughed, and giggled at one of the people that testified, and it disrupted her testimony. She began to cry, they had to stop court.

I just can't tell you how arrogant and embarrassing to watch that was for our federal government to come in and act that way and be there under the presumption that they knew what was best for my child.

The Olmstead decision says that Kim has the right to live where she wants to live, and I have checked out so many different community programs over the years, I have not lived with my head stuck in the sand. She has—there is no comparison. There is no comparison for her.

So my request for you today would be to help DOJ not have their strong arm swinging around this nation trying to tell us what we need to do.

[The information follows:]

THURSDAY, MARCH 22, 2012
WRITTEN TESTIMONY
OF
JAN FORTNEY, VICE-PRESIDENT
CONWAY HUMAN DEVELOPMENT CENTER PARENT ASSOCIATION
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TESTIMONY PREPARED FOR:
HOUSE COMMITTEE ON APPROPRIATIONS
(Sub-Committee on Commerce, Justice, Science & Related Agencies)

REGARDING:
DEPARTMENT OF JUSTICE FY 2013 BUDGET REQUEST
AND OVERREACHING ACTIVITIES

I am the mother and legal guardian of an adult daughter (Kim) who is profoundly mentally retarded with multi-handicapping conditions. My daughter has been this way from birth. She is now 37 years of age, and functions and understands at the level of a 15 to 22 month old child. She is the delight of my life, and I have spent my life trying to take care of her, and look after her best interests. Kim spent her first 18 ½ years in our home, and at that time in her life she seemed to want and need some independence away from Mom and Dad. At that point I made the most difficult decision of my life for Kim to live away from us. For the past 18 ½ years she has been a resident of the Conway Human Development Center (CHDC) in Conway, Arkansas. CHDC is an Intermediate Care Facility for the Mentally Retarded (ICF/MR).

My daughter thrived at CHDC from the very beginning, which confirmed to us that the decision for her was a good one. Kim is very happy with her daily life. She spends her days going to class, the gym, the pool, campus activities, church, off-grounds activities, horseback riding/therapy, and many others things too numerous to mention. She receives wonderful care from loving and caring staff members. THIS IS HER HOME! The employees there are HER EMPLOYEES, so to speak. Her home is a Medicaid-certified licensed facility, and is certified by the Commission on Accreditation of Rehabilitation Facilities (CARF) as well.

I have taken great offense to the Department of Justice's (Civil Rights Division/Special Litigation Section) aggressive efforts to attack my daughter's home. For 8 years her home was under much scrutiny from the DOJ. As parents and guardians we worried, cried, and prayed that justice would be done! Finally, after over \$4 million was spent by our State to uphold our HDC, the DOJ was sent packing!! We knew this was justice!

I personally sat through the courtroom day after day to see just how all of this was going to work out. I have to say that the multitude of DOJ lawyers were very disrespectful, smirking, and giggling like school children in the courtroom. Two DOJ attorneys actually laughed and giggled at one of the witnesses that was testifying, and it disrupted her testimony, and she began to cry.

The judge had to take a break for her to be able to continue. The DOJ lawyers twisted things that were said in order to put their own "spin" on the answer. One "spin" they pronounced was, "Wouldn't you say that a person is more apt to die in the facility than to ever leave there?" They were very arrogant! It was pretty embarrassing!

The DOJ's interpretation of the Olmstead Decision is very slanted towards their agenda of downsizing or closing all ICFs/MR in the United States. Olmstead says my daughter has the right under federal law to have the choice of institutional care as well as home and community based services. I can say that I have looked at many wavier community based provider programs for my daughter. I compared each offering to the services she receives now at CHDC. For her there is no comparison. She has more freedom to do things at CHDC than she would if she lived in her own apartment or house in the community. She has many more people involved in her daily life at CHDC than she would have in the community. Kim comes to stay with us about once a week, and we are very involved in her life. She would not be happy living in an apartment/house with one caregiver. She would be bored, and feel isolated. I know the only choice she wants is CHDC.

It would be wrong to take my daughter's home away from her, especially at the discretion of those individuals from the US Dept. of Justice. THEY DO NOT KNOW WHAT'S BEST FOR HER!!

Around this great country the Department of Justice is swinging its heavy arm to make states conform to what they have determined to be the only method of care for individuals with severe and profound intellectual disabilities. Even though the state of Arkansas was victorious in the recent lawsuit, other states are not having the same results because of DOJ threats of costly lawsuits. The DOJ/Arkansas lawsuit was unnecessary, and created massive burdens and distractions for our state operated care facility employees. It placed hardships on everyone involved, and used our state dollars to fight federal dollars; while all along the state operated care facility was in compliance with state and federal regulations. THIS IS NOT RIGHT! It's really absurd, and an abuse of power!

My request for you today would be to stop the Department of Justice Civil Right Division - Special Litigations Section from these over-reaching activities by limiting their budgeted funds from being used to continue to "strong-arm" state governments into settlements/agreements that would be harmful and even life threatening to our most vulnerable citizens that choose to reside in licensed care facilities.

Thank you for your time and consideration in these important matters.

Respectfully,

Jan Fortney
Mother of Kim
Vice-President - Conway Human Development Center Parent Association

Alan Fortney, Past President

Conway Human Development Center Parents Association

Thank you Committee and Mr. Chairman for allowing me to testify before you today. My name is Alan Fortney and I am representing the residents, parents and guardians of the Conway Human Development Center - a publicly funded and state-managed congregate care facility for individual with developmental/intellectual disabilities in Arkansas. Our daughter's name is Kim. She is a 37 year old adult that has the mental capacity of a 15-month old baby.

I come before you today in regards to the appropriations to the Department of Justice, most specifically in regards to the Civil Rights Division - Special Litigations Section of the Department of Justice. This section of the DOJ has filed and threatened to file numerous lawsuits against states across the country in an effort to close down or cripple the infrastructure of the publicly funded congregate care facilities for individuals with Developmental Disabilities and Intellectual Disabilities (DD/ID). I represent the Parent's Association of the Conway Human Development Center in Conway, Arkansas, who as of last summer defeated the DOJ in a federal lawsuit in Little Rock, Arkansas, in one of these very lawsuits. The most recent lawsuit of which I am aware was filed and tentatively agreed as a settlement in Virginia to close 4 out of 5 congregate care facilities. These lawsuits claim to be pursuing the "requirement" of the Americans with Disabilities Act (ADA) and the Supreme Court decision of *Olmstead*. However, the DOJ is ignoring the fact in the law that allows and acknowledges the need of some individuals to maintain this level of care for those who choose or require it.

In the *Olmstead* decision by the Supreme Court, a majority of Justices in *Olmstead* recognized an ongoing role for publicly and privately-operated institutions:

"We emphasize that nothing in the Americans with Disabilities Act or its implementing regulations condones termination of institutional settings for persons unable to handle or benefit from community settings . . . Nor is there any federal requirement that community-based treatment be imposed on patients who do not desire it." 119 S. Ct. at 2187

The plurality opinion in *Olmstead* stated:

"Each disabled person is entitled to treatment in the most integrated setting possible for that person - recognizing on a case-by-case basis, that setting may be an institution." 119 S. Ct. at 2189.

Federal Judge Leon Holmes from the DOJ vs. Arkansas lawsuit ruled:

"Most lawsuits are brought by persons who believe their rights have been violated. Not this one . . . All or nearly all of those residents have parents or guardians who have the power to assert the legal rights of their children or wards. Those parents and guardians, so far as the record shows, oppose the claims of the United States. Thus, the United States [Department of Justice] is in the odd position of asserting that certain persons' rights have been and are being violated while those persons – through their parents and guardians disagree."

In an 85-page ruling, the Chief U.S. District Judge J. Leon Holmes said DOJ failed to prove its claims that the Conway Human Development Center violated its residents' rights under the U.S. Constitution, as well as under the Americans with Disabilities Act (ADA).

Judge Holmes questioned the authority, expertise and methods of several expert witnesses used to support the federal government's arguments. He extensively cited testimony of residents' parents and guardians who were satisfied with the treatment the residents receive there.

I was a witness in this case, actually called as a witness by the DOJ. They tried to discredit me (their own witness) by claiming that the parents and guardians of the residents were ignorant and didn't understand the residential and service options available to our loved ones. As I stated in my court testimony, my wife and I have visited with many community providers of services, as well as researched housing options for our daughter. I have worked with local providers through fund-raising efforts by the local United Way, where many of the local service providers are receiving a portion of their funding. We have also been provided documentation regarding all options available for our daughter from the state Department of Human Services - Developmental Development Services division.

During the DOJ investigation, the attorneys from the DOJ asked me, as the president of the Parent's Association, to arrange a meeting with the parents/guardians of the residents. We had several meetings with a small group of parents/guardians as it was difficult to arrange a large group meeting, but the DOJ attorneys asked to speak to the whole group of parents/guardians. As I was arranging for such a meeting, the attorneys from the DOJ told me they could not discuss the case, nor did they wish to hear "praise" for the center, but were coming to hear the complaints and what the parents/guardians thought should be "improved". In other words, they only wanted the parents/guardians to provide ammunition for the lawsuit against the very **home** of their loved one. After sharing this information with the parents/guardians, the group decided, as a whole, to **not** meet with these attorneys. The DOJ attorneys did not want to hear the truth from those who actually live or represent those who live at the center, they simply wanted to tell us "we are the government and we're here to help".

During the trial in September through mid-October of 2010, the DOJ attorneys acted very unprofessional towards the witnesses, the parents/guardians, and the employees who are entrusted with the care of our loved ones. **There were 15 attorneys in the courtroom for the DOJ, while there were 4 attorneys defending the state of Arkansas in this case. The cost of that many attorneys for 6 weeks is quite expensive to the people of this United States!!** With the exception of one attorney (Benjamin O. Tayloe), the DOJ attorneys laughed at witnesses responses, had private conversations that disrupted the court, and acted very arrogant. The judge asked each side to wrap up their side of the case in a specific amount of time, but the DOJ attorneys constantly pushed the limits of the court. The attorneys for the state were quite the contrast. They were very considerate, kind, respectful of the court, and respectful of those who were there to represent their loved ones. Unfortunately for the citizens of the United States and the citizens, specifically in Arkansas, our tax dollars were fighting against our tax dollars in this case. Millions of our tax dollars on both sides were spent in this case. All this, and the DOJ lost the case!! Not only that, but the parents and guardians of the residents had to dip into their own personal pockets to hire a third-party attorney to write an Amicus Brief to intervene in this case, just to have representation of the actual residents involved, because nether the state of Arkansas, nor the United States of America was actually representing the residents. The DOJ was suing the state, but they were not asking any resident or resident's guardian if they wanted to be a part of or opt out of the lawsuit. They sought to force the state, either by outspending them on the case, or by judge's decision to downsize or close a facility or all publicly managed facilities of residential services for the DD/ID population.

The attorneys from the DOJ do not respect the decisions of the guardians of their loved ones to allow the individual to reside where they choose. During these lawsuits and settlements, the DOJ assumes that all individuals should be removed from of their homes and be required to hire their own staff and find housing, physical therapy, dentists, doctors, psychologists, care-givers, transportation, occupational therapy, etc. There is no way in the world our daughter Kim could hire her own staff and manage her own care/needs at her mental age.

The mental age/capability of most of the residents at CHDC are at the infant to toddler level of understanding. Our daughter does not have the capability to understand the concepts of potty-training, work, or even the reason behind money in any form. It's not that professional special education teachers and her mother haven't tried for many, many years. She is just **not** mentally capable of understanding these concepts. She needs and requires 24-hour care, 7 days a week, for 365 days a year. With the comprehensive services she receives at the Conway Human Development Center, she has 24-hour care, 24-hour access to medical facilities, access to a dentist on-campus, therapeutic pool, more than 3 sets of eyes on her to watch-out for and protect her at all

times. In a community setting, this would **not** be the case. Yet, the DOJ Civil Rights Division - Special Litigation Section believes and pushes for "community or home, only" settings for individuals with these specialized needs. They believe so strongly that residential settings like my daughter's home should be closed that they refer to the residents in legal filings as "confined", or "confinements", etc. The DOJ files lawsuits against states in an effort to close or severely downsize these facilities.

The DOJ Civil Rights Division - Special Litigation Section attorneys tell all parents/guardians that they do not try to close or downsize congregate care facilities. However, in every lawsuit that has ever been filed by this agency, there has never been an instance where the same number of residents were allowed to stay in their congregate care facility home, or where more residents were allowed to enter the congregate care facility. There are constant waiting lists for admittance to congregate care facilities, but most of these who are waiting are never allowed admittance due to diversions to home and community based programs.

I ask that you limit the appropriations to the Department of Justice to prohibit lawsuits or "settlements" with states where there has been no complaint from a resident, and where the congregate care facility meets or exceeds all oversight requirements from federal and state surveyors. The Conway Center was under investigation for 8 years before the lawsuit was eventually filed. Before, during, and after this lawsuit was filed, the CHDC met all federal and state regulations with oversight from federal surveyors from the Centers of Medicaid Services (CMS), state surveyors from the Office of Long Term Care (OLTC), and an independent international accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF).

Please reduce the needless spending of tax dollars by limiting the frivolous lawsuits being pursued by the DOJ Civil Rights Division – Special Litigation Section in an effort to reduce or undermine the congregate care options for individuals with developmental and intellectual disabilities.

Thank you for your time and consideration in this matter regarding the appropriation to the Department of Justice.

Respectfully,

Alan Fortney

Mr. WOLF. Well, what we will do is—did you want to comment?—I don't know that you have to, it is up to you, but what we are going to do is we are going to get your testimony and now we will put two of them together. We will ask the staff to have a meeting with the Justice Department, and I don't know if you all would like to come to the meeting or not.

Ms. FORTNEY. We have been requesting to meet with—

Mr. WOLF. Well, we will set up a meeting—

Ms. FORTNEY [continuing]. The President.

Mr. WOLF [continuing]. For the three of you. Well, I don't know that we can get you—and I am not sure that that will either going to hurt one way or the other, but I think we can work together, Mr. Fattah, if you can, and get maybe the Justice Department—

Mr. FATTAH. When was this case first filed against the State of Arkansas?

Mr. FORTNEY. It was filed in January 2009. They started investigating the center.

Mr. FATTAH. Do you know what day in January?

Ms. FORTNEY. The 16th.

Mr. FATTAH. The 16th. Who was the president of the United States at that time?

Mr. WOLF. Well, I am not trying to—

Mr. FATTAH. We are not into politics, this is outrageous.

Mr. WOLF. Yeah.

Mr. FATTAH. This suit was filed, we agree with you, all right. So just so we are clear about the politics, this is not about politics, this is about appropriate placement for young people.

Mr. FORTNEY. That is correct.

Mr. FATTAH. And I agree with you, that the issues here rise to a level where we should find out why this effort was brought.

Ms. FORTNEY. Abuse of power, really.

Mr. FATTAH. Absolutely.

Ms. FORTNEY. Abuse of power.

Mr. FATTAH. But let us leave the President out of this, all right? Thank you.

Ms. FORTNEY. Oh, well, yes. I don't—

Mr. WOLF. No, I don't think she—I think she met it as an appointment.

Ms. FORTNEY. Oh, no, no, no, we have been wanting to meet with—

Mr. WOLF. Yeah.

Ms. FORTNEY [continuing]. The administration to talk about our concerns.

Mr. FATTAH. The chairman and I agree.

Ms. FORTNEY. Yeah.

Mr. FATTAH. We are going to try to get to the bottom of this. All right? Thank you.

Mr. WOLF. Now if you can sort of give your—are you the same? You are the same, yeah. You should give it to Colin and then are you willing to come back into town?

Ms. FORTNEY. We can, yes.

Mr. WOLF. Well, I mean I don't want to put you to a lot of trouble. We will meet with them. It may be helpful. Again, I don't want to make you have to spend the money. You think about it and let us know. If one of you were there with—at the meeting, but we will

get all three of the testimony and we will bring them up here working with Mr. Fattah and then we will try to get some conclusions to this. But I really appreciate the three of you coming.

Mr. FORTNEY. I was actually deposed for three and a half hours by the Department of Justice for that lawsuit.

Mr. WOLF. Yeah.

Mr. FORTNEY. I gave them all of our information and they just simply ignored the parents.

Mr. WOLF. Yeah.

Mr. FORTNEY. They acted like we were stupid and didn't know what we were doing.

Mr. WOLF. Well, we would like to—just give it to Colin and then we will call you, one of you. What one should we call?

Ms. FORTNEY. It doesn't matter.

Mr. WOLF. And then give you an opportunity, if you would like to come to the meeting, but we will set up a meeting and have the staff and I will go too with the Justice Department. I think it might be helpful if one of you were there, but if you weren't we can still pursue it.

But thank you for taking the time.

Ms. FORTNEY. We just don't want them to continually get more money. They are wanting 50 more—

Mr. WOLF. No, I—believe me, we understand, and I think you make a very, very—

Mr. FORTNEY. The latest lawsuit that was filed was in Virginia.

Mr. WOLF. Yeah, really? Well, I didn't know about that, but we will look into that. But I just think we just don't want—

Mr. FORTNEY. Right.

Mr. WOLF [continuing]. But I am glad you took the time to come.

Mr. FORTNEY. The latest one in Virginia is to close down four out of their five centers.

Mr. WOLF. Right.

Ms. FORTNEY. They are entering the settlement agreements on the same day they are filing lawsuits.

Mr. WOLF. We will look into it, I assure you. Believe me. You have sensitized us to a very important issue, which I did not know about.

Thank you very much.

Ms. FORTNEY. Thank you.

Mr. WOLF. Thanks.

Ms. FORTNEY. Appreciate your time very much.

Mr. WOLF. Sure, go ahead. Is it the same issue?

Mr. FORTNEY. Yes.

Mr. WOLF. Yeah. I think—

Mr. FORTNEY. It was a little different part of it, but that is—it is a same.

Mr. WOLF. Yeah, we are going to read it. Yeah, we are going to—

Mr. FORTNEY. Okay.

Mr. WOLF. You have our attention. I mean if you want to, fine—

Mr. FORTNEY. Thank you.

Mr. WOLF [continuing]. But I think we can just move on. Okay. Can you give Colin how we can reach you—

Mr. FORTNEY. Absolutely.

Mr. WOLF [continuing]. And we will try to do this relatively soon.

Mr. FORTNEY. Thank you very much.

Ms. FORTNEY. Thank you all very much.

Mr. WOLF. In fact maybe, I don't know when are you leaving to go back?

Ms. FORTNEY. I am not leaving until Monday.

Mr. WOLF. Well, maybe you can call Justice and see if there is an opportunity for later on today when they are still here. Yeah, why don't you call. Somebody call down to Justice and see. Yeah. Maybe we can work it out this afternoon.

Mr. FORTNEY. That would be great.

Mr. WOLF. Okay, thank you.

Next, Patricia Borrelli, Regional Information Sharing Systems. Your full statement will be in the record.

THURSDAY, MARCH 22, 2012.

REGIONAL INFORMATION SHARING SYSTEMS

WITNESS

PATRICIA A. BORRELLI, CHAIR, REGIONAL INFORMATION SHARING SYSTEMS (RISS) NATIONAL POLICY GROUP

Ms. BORRELLI. Good morning, Chairman Wolf and Ranking Member Fattah, I appreciate the opportunity to appear before you to discuss the Regional Information Sharing Systems or RISS Program.

RISS is a proven, trusted, and innovative program that supports thousands of local, state, federal, and triable criminal justice agencies in their effort to successfully resolve criminal investigations and insure officer safety.

Recently a West Virginia sheriff's office representative said, "RISS is the most important working tool for law enforcement to combat criminal activity and terrorism."

RISS has spent nearly 40 years building a valuable and cost effective program that is used and trusted by hundreds of thousands of criminal justice professionals.

RISS offers full service delivery from the beginning of an investigation to the ultimate prosecution and conviction of criminals. Without RISS's information sharing and investigative support services thousands of law enforcement agencies and hundreds of investigations would suffer.

Since 2000 RISS has assisted in training more than 668,000 officers, loaned almost 57,000 pieces of investigative equipment, and produced more than 290,000 analytical products. These statistics show RISS's impact, but the real success stories come directly from agencies in your jurisdictions.

For example, a Virginia police department contacted RISS to assist in a first-degree murder and abduction case. RISS's analytical products helped convict the defendant who received a 31-year sentence.

A Kansas sheriff's office used RISS surveillance equipment to assist in a narcotic investigation. Three marijuana grows valued at \$10 million were seized, and two individuals were arrested.

These successes are happening across the country every day.

RISS operates RISSNET, a secure law enforcement information sharing network and cloud provider. Agencies can easily connect to RISSNET, share information and intelligence in a secure environment, and query multiple systems simultaneously through a federated search. Currently 86 systems are connected or pending connection to RISSNET, and more than 400 resources are available via RISSNET to authorized users. The owners of those resources rely on RISS for its secure infrastructure. Users made more than 70 million transactions using RISSNET in 2011 alone.

Our Nation's public safety mission requires an interoperable information sharing environment to proactively solve crimes and protect our hometowns and homeland.

RISSNET is one of four sensitive, but unclassified networks participating in the assured SBU, interoperability initiative under the White House and the office of the program manager information sharing environment.

RISS represents the voice of local and state law enforcement in this initiative which will enable single sign on capabilities among partnering systems.

In 2008 RISS deployed RISS SAFE, the only comprehensive and nationwide office safety deconfliction system that is accessible on a 24/7, 365 basis and is available to all law enforcement agencies. It is impossible to put a cost to the number of officers RISS SAFE has already prevented from harm or worse yet death.

RISS SAFE and the RISS officer safety website are two important components of the United States Attorney General's law enforcement officer safety initiative.

RISS partners with numerous nationwide programs and it has experienced successful partnerships with fusion centers across the country such as Alaska, Pennsylvania, and Vermont.

Since 2000 agencies utilizing RISS made more than 57,000 arrests and seized more than 942 million in narcotics, property, and currency.

RISS is an excellent return on investment for our Nation.

In fiscal year 2012 the RISS appropriation was severely decreased from \$45 million to \$27 million. Inadequate funding for RISS will hinder investigative efforts, may cost lives, and will impact the safety of our communities and our Nation.

It is critical that fiscal year 2013 funding for RISS be restored to \$45 million.

I would like to end with a quote from a Pennsylvania police officer. RISS offers services and support that law enforcement cannot obtain anywhere else. Analytical products, equipment loans, and training are important tools for law enforcement. Productivity to RISSNET is absolutely critical to solving multi-jurisdictional crimes.

On behalf of RISS I appreciate the support of this committee and thank you for the opportunity to present testimony.

[The information follows:]

Regional Information Sharing Systems (RISS) Program

A Proven Resource for Law Enforcement

Fiscal Year 2013 Testimony to the Subcommittee on Commerce, Justice, Science, and Related
Agencies of the Committee on Appropriations, United States House of Representatives

Submitted by Patricia A. Borrelli, Chair, RISS National Policy Group

The **Regional Information Sharing Systems (RISS)** is a proven, trusted, and innovative program that supports local, state, federal, and tribal criminal justice agencies in their effort to successfully resolve criminal investigations and ensure officer safety. There is no other program in existence through which officers can receive the level of support that RISS provides. Although the demand for RISS's services grows each year, the FY2012 appropriation for RISS was severely decreased, from the FY2011 appropriation of **\$45 million to \$27 million**. RISS and law enforcement agencies nationwide have already felt the effects of this \$18 million reduction. On behalf of the hundreds of thousands of officers and public safety professionals RISS serves, we urge you to **restore FY2013 RISS funding to \$45 million**.

RISS has spent nearly 40 years building a valuable and cost-effective program that is used and trusted by officers and criminal justice professionals in all 50 states, the District of Columbia, U.S. territories, Australia, Canada, England, and New Zealand. RISS consists of six regional centers that tailor their services to meet the needs of their unique regions while working together on nationwide initiatives. RISS supports efforts against organized and violent crime, gang activity, drug activity, terrorism, human trafficking, identity theft, and other regional priorities, while promoting officer safety. The support provided by RISS has enabled law enforcement and public safety agencies to increase their success exponentially. A representative from a West Virginia Sheriff's Office recently said, "*RISS is the most important working tool for law enforcement to combat criminal activity and terrorism.*"

RISS offers law enforcement agencies and officers full-service delivery, from the beginning of an investigation to the ultimate prosecution and conviction of criminals. An officer can query intelligence databases, retrieve information from investigative systems, solicit assistance from research staff, utilize surveillance equipment, receive training, and use analytical staff to help prosecute criminals. RISS's service delivery is flexible, convenient, and efficient. Law enforcement agencies and officers rely on RISS for its diverse and far-reaching services and programs. Without access to these services, thousands of law enforcement agencies and hundreds of investigations will suffer.

RISS has been at the forefront in providing resources to enhance officer safety. More than 19,000 law enforcement officers have died serving our nation. At the current rate, one officer is killed every 53 hours in the United States. The **RISS Officer Safety Event Deconfliction System (RISSafe)** is an essential component to helping ensure that our officers are safe. RISSafe stores and maintains data on planned law enforcement events, with the goal of identifying and alerting affected agencies and officers of potential conflicts impacting law enforcement efforts. RISSafe is **the only comprehensive and nationwide deconfliction system** that is accessible on a 24/7/365 basis and available to all law enforcement agencies.

Since RISSafe's inception in 2008, more than **456,800 operations** have been entered. Of those operations, **32.5 percent, or 148,646, have resulted in an identified conflict**. Currently, **19 RISSafe Watch Centers** are operational, 13 of which are operated by organizations other than RISS, such as state agencies, fusion centers, and High Intensity Drug Trafficking Areas. These organizations have invested resources to support this critical nationwide officer safety program. Many agencies have adopted internal policies mandating the use of RISSafe for their operations. RISSafe continues to proliferate throughout the country, with demand for its use increasing each day. **It is impossible to put a cost to the number of officers RISSafe has already prevented from harm or, worse, death.**

Recently, RISSafe was used during the Asia-Pacific Economic Cooperation event to geographically map scheduled events as well as the lodging sites of the delegations from the attending nations. RISS staff posted and deconflicted all events on a 24-hour basis, as well as any scheduled law enforcement operations. During the time of the event, First Lady Michelle Obama was planning a trip to Oahu. When the event was posted in RISSafe, the staff was alerted to a long-term law enforcement operation planned in proximity to her intended destination. RISS staff contacted the appropriate authorities regarding the conflict. The agency confirmed that it would not operate at the location during the visit. A representative from the U.S. Department of State, Diplomatic Security Service, stated that RISSafe was extremely beneficial to its dignitary protection operations.

The **RISS Officer Safety Website** was deployed in March 2011 and has been visited more than **13,000** times. The website serves as a nationwide repository for issues related to officer safety, such as concealments, hidden weapons, armed and dangerous threats, officer safety videos, special reports, and training opportunities. RISSafe and the RISS Officer Safety Website are two important components of the **U.S. Attorney General's Law Enforcement Officer Safety Initiative**, along with the VALOR Program and the Bulletproof Vest Initiative. Efforts are currently under way to bidirectionally interconnect the secure VALOR Website with the RISS Officer Safety Website. RISS also provides officer safety training and develops and distributes publications about emerging threats, such as the *Sovereign Citizens Movement* special research report. With more than 800,000 law enforcement officers across the country, more support to ensure their safety is essential.

RISS provides a full complement of investigative support services, including analysis, investigative and research support, equipment, training, publications development, field services support, and technical assistance. Since 2000, RISS has assisted in training more than **668,000 individuals**, conducted more than **326,000 on-site visits**, loaned almost **57,000 pieces of equipment**, and produced more than **290,000 analytical products**. These statistics illustrate how RISS is impacting law enforcement efforts, but the real success stories come directly from agencies and officers. For example, RISS analytical staff provided assistance in a child pornography investigation involving digital forensics analysis. RISS staff analyzed multiple computers and hard-disk drives. The collection of pornography discovered was one of the largest, with more than 100,000 images requiring analysis. With RISS's assistance, the investigation led to an 18-year sentence.

In another case, RISS staff reproduced charts, maps, photographs, and diagrams and created a timeline for a criminal trial of a defendant charged with murdering two police officers. Following the trial, the defendant was convicted by a jury and subsequently sentenced to two life terms in the state penitentiary. The Assistant District Attorney said, *“I will continue to get my fellow prosecutors to use the services of RISS because it is a great prosecutor’s tool.”*

On January 8, 2011, United States Representative Gabrielle Giffords hosted a “Congress on Your Corner” gathering in Tucson, Arizona, to talk with her constituents. As the event began, a gunman entered the crowd and shot Representative Giffords. The gunman turned on the crowd, killing 6 individuals and seriously wounding 12 others. The shooting was recorded on video by a store security camera. There was an urgent need to locate an audio/video analyst to clarify the still photos taken from the video surveillance to determine whether an accomplice was at large. RISS was contacted to assist in this effort. The results of the RISS analyst’s work enabled law enforcement to close a potential lead, saving valuable law enforcement time and resources.

The same types of successes are happening in jurisdictions across the country. Since 2000, agencies utilizing RISS’s services and resources made more than **57,360 arrests** and seized more than **\$942.5 million in narcotics, property, and currency**. **RISS is an excellent return on investment for our country.** All law enforcement and public safety entities are facing tightened budgets and limited resources. RISS’s structure and diverse services are helping to augment law enforcement efforts. A Pennsylvania police department officer said, *“RISS offers services and support that law enforcement cannot obtain anywhere else. Analytical products, equipment loans, and training are important tools for law enforcement. Connectivity to RISSNET is absolutely critical to solving multijurisdictional crimes.”*

Historically, law enforcement and criminal justice agencies have faced obstacles related to information sharing, communications, and technology. Many problems stemmed from the fact that although these agencies individually held pieces of information about criminals and their activities, they lacked a mechanism to securely collect and exchange information. Consequently, the law enforcement community’s response to criminal activity was often fragmented, duplicative, and limited. Since the inception of the RISS Secure Intranet (RISSNET) in 1997, however, many of these obstacles have been resolved.

RISSNET is a secure Sensitive But Unclassified (SBU) law enforcement information sharing cloud provider. RISSNET provides access to millions of pieces of data; offers bidirectional sharing of information; and connects disparate state, local, and federal systems. Agencies can easily connect to RISSNET, share information and intelligence in a secure environment, and query multiple systems simultaneously. Our nation’s public safety mission requires an interoperable information sharing environment to proactively solve crimes. RISSNET is a critical component in meeting this need. RISSNET also serves as the secure communications infrastructure for a number of critical resources and investigative tools. Currently, **86 systems are connected or pending connection** to RISSNET. There are more than **400 resources available via RISSNET to authorized users**; the owners of these resources rely on RISSNET for its secure infrastructure. By connecting agencies and systems to RISSNET, rather than funding the build-out of new stand-alone information systems, hundreds of millions of dollars are saved and millions of data records are easily and quickly accessible by law enforcement.

Examples of RISSNET resources include the RISS Criminal Intelligence Databases (RISSIntel), RISSafe, the RISS National Gang Program (RISSGang), the RISS Automated Trusted Information Exchange (ATIX), the RISSLeads Investigative Bulletin Board, the RISSLinks data-visualization and link-analysis tool, the RISS Center websites, and secure e-mail.

The **RISSIntel user interface provides for real-time, online federated search of 15 RISS partner intelligence databases**, including state systems and CalGang, and does not require the RISSNET user to have a separate user account with the respective partner systems. In FY2011, RISSIntel contained more than **3.1 million intelligence records** and users made almost **4 million inquiries** in RISSIntel. These records include individuals, organizations, and associates suspected of involvement in criminal activity, as well as locations, vehicles, weapons, and telephone numbers. Furthermore, the interaction between RISSafe and RISSIntel provides comprehensive officer safety event and subject deconfliction services.

The **RISSGang Program** is the only comprehensive gang resource that offers a criminal intelligence database, a website, a secure bulletin board, and gang-specific news and publications. The RISSGang database provides access to gang information, including suspects, organizations, weapons, photographs, and graffiti. Like RISSIntel, RISSGang provides for a federated search, including CalGang. RISS is connecting other gang databases to RISSNET, such as the Bureau of Alcohol, Tobacco, Firearms and Explosives' GangNET.

RISS ATIX is a communications and information sharing capability that enables law enforcement, public safety (including fire, health, and emergency services), and private sector entities to share terrorism and homeland security information in a secure, real-time environment. RISS ATIX resources include Web pages that contain general and discipline-specific information. The RISS ATIX Bulletin Board provides secure online conferences for users to collaborate and post information. The Document Library provides informational and educational materials. ATIX secure e-mail enables the distribution of alerts, SBU, and other information.

RISSLeads provides authorized law enforcement officers with the ability to post information regarding cases, investigative leads, or other law enforcement issues. Authorized users are able to view and respond to posts, ultimately working together by exchanging information on similar or related cases. Connecting law enforcement officers across jurisdictional boundaries is crucial in detecting, deterring, and apprehending today's mobile and sophisticated criminals.

Each RISS Center maintains a website to provide users with easy access to RISSIntel, other RISSNET resources, and other resources, such as the National Railroad Trespasser Database, the Cold Case Database, the Forensic Accounting Database, and the Pseudoephedrine Violator Tracking System. In addition, because of demand from agencies and officers, RISS has expanded its Pawnshop Database nationwide. The number of investigative records available through these different systems exceeds **28 million**.

RISS seeks new and strengthens existing partnerships with other law enforcement entities and participates on regional and nationwide committees to further expand and enhance information sharing. **RISSNET is one of four SBU networks participating in the Assured SBU Interoperability Initiative under the auspices of the White House and the Office of the Program Manager, Information Sharing Environment (PM-ISE).** The goal is to provide

simplified sign-on and access to a variety of system-to-system enhancements within an interoperable and protected SBU environment for local, state, federal, and tribal law enforcement, regardless of agency ownership of the individual network. RISS is the only nonfederal partner providing the critical state, local, and tribal law enforcement piece essential to the nation's information sharing environment. RISS is at the forefront in providing federated access and simplified sign-on to resources and systems. The Federal Bureau of Investigation Law Enforcement Online users, the Chicago Police Department users, and the Pennsylvania JNET users access RISSNET resources via Federated Identity technologies.

RISS continuously seeks and is sought out by others to enable new information sharing partnerships that leverage its secure SBU information sharing capabilities. Most recently, several state Medicaid Fraud Control Units (MFCUs) began pursuing the use of RISSNET to securely share information, strategies, best practices, lessons learned, and other information to help in their detection and prosecution efforts. Ultimately, this project has the potential to support Medicare and other health care fraud investigations and information sharing efforts. In addition, RISS supports the Nationwide Suspicious Activity Reporting Initiative by connecting systems to RISSNET and hosting individual state servers. RISS continues to connect fusion centers to RISSNET, integrate RISS services and tools into fusion center operations, and provide training to fusion center staff. RISS supports the National Virtual Pointer System and partners with numerous other organizations, such as the National Center for Missing & Exploited Children, the National Gang Intelligence Center, the United States Secret Service, and the United States Attorneys' Offices. RISS is supported by the International Association of Chiefs of Police, the National Sheriffs' Association, the National Narcotic Officers' Associations' Coalition, and the National Alliance of Gang Investigators Associations. RISS's partnerships have resulted in an unprecedented level of information and intelligence sharing.

It is respectfully requested that Congress restore FY2013 funding for RISS to the FY2011 amount of \$45 million so that this essential information sharing and public safety program can continue to serve our nation. Inadequate funding and support for RISS could cost lives, hinder investigations, and impact the safety of our communities. It would be counterproductive to require local and state RISS members to self-fund match requirements, as well as to reduce the amount of Bureau of Justice Assistance discretionary funding. Agencies require more, not less, funding to fight the nation's crime problem. RISS is unable to make up the decrease in funding that a match would cause, and it has no revenue source of its own. Cutting the RISS appropriation by requiring a match should not be imposed on the program.

RISS provides resources and capabilities to share critical information nationwide, serves as a secure platform for other criminal justice entities to share and exchange their information, and provides investigative support services that, in many cases, agencies would not otherwise receive. RISS is essential in creating a safer working environment for our nation's law enforcement. RISS's services increase the ability to detect, prevent, identify, solve, and prosecute crime. Appropriate funding will enable RISS to continue effectively serving the criminal justice community. For additional information on the RISS Program, **visit www.riss.net**. RISS appreciates the support this committee has continuously provided to the RISS Program and is grateful to provide this testimony.

Mr. WOLF. Great. Thank you very much for your testimony.

Mr. Schiff.

Mr. SCHIFF. I don't have any questions.

Mr. WOLF. Great. Okay. Thank you very much.

Ms. BORRELLI. I also have Pennsylvania roots, Southwest Pennsylvania.

Mr. WOLF. Okay.

Ms. BORRELLI. Philadelphia I should say, Southwest Philadelphia, NBS Parrish.

Mr. WOLF. Okay. Where in Southwest Philadelphia?

Ms. BORRELLI. 59th and Belmar.

Mr. WOLF. I was 70th and Elmwood in Woodland.

Ms. BORRELLI. Oh, we are very close.

Mr. WOLF. This is a Philadelphia crowd. Although I do represent Virginia now, so—which is the first state, and of course the best President we have ever had is on the head of Mr. Hyland's cane, George Washington, and we have a bill that we are moving through the Congress to celebrate George Washington's birthday on his real birthday. Would you celebrate your birthday on your real day—

Ms. BORRELLI. I do.

Mr. WOLF [continuing]. Or the Monday after the third week in—do you pick the real day?

Ms. BORRELLI. Well, my oldest son was born on Presidents' Day, but that day changes, so.

Mr. WOLF. But it is not Presidents' Day, it has never been Presidents' Day. They have called it—it is George Washington's birthday, but we are going to move it from—so your son, was he born on the 22nd?

Ms. BORRELLI. He was born on February 15th.

Mr. WOLF. Oh, well now we are moving it to the 22nd, so you are going to—thank you for your testimony.

Ms. BORRELLI. Thank you, Chairman Wolf.

Mr. WOLF. Okay.

Ms. BORRELLI. I also want to recognize that you had visited the McGlocklin Center.

Mr. WOLF. Yes, I did.

Ms. BORRELLI. Several years back.

Mr. WOLF. Yes, I did.

Ms. BORRELLI. I am the director of McGlocklin and I welcome you back to visit.

Mr. WOLF. Thank you.

Ms. BORRELLI. Thank you.

Mr. WOLF. Thank you. In Greater Bucks County if I recall.

Ms. BORRELLI. That is right.

Mr. WOLF. That is right. Great.

Hey Gerry, welcome, Supervisor Hyland from Fairfax County. Welcome, Gerry. And I see you do have George Washington there. You represent Mt. Vernon.

Mr. HYLAND. Yes, I do, Mr. Chairman.

Mr. Chairman, Ranking Member Fattah, and other members of the committee, sitting for the hearing I was trying to figure out what my connection to Pennsylvania would be, and NACO is hold-

ing its annual meeting in Pittsburgh this year, so that is my only connection to—

Mr. WOLF. Well, for the record I am a Virginian. And so those of us who came here without being born here—so I tell people who are here, I actually fell in love with Virginia and came here, so I selected Virginia. I love Pennsylvania, but I selected Virginia.

Go ahead, Jerry.

Mr. HYLAND. Well, we are happy to have you come here to Virginia, Mr. Chairman.

Mr. WOLF. Okay.

THURSDAY, MARCH 22, 2012.

FAIRFAX COUNTY, VIRGINIA

WITNESS

GERALD W. HYLAND, SUPERVISOR, FAIRFAX COUNTY, VIRGINIA

Mr. HYLAND. Thank you for the opportunity to testify today to discuss fiscal year 2013 appropriations for the Department of Justice.

On behalf of the National Association of Counties, NACO, we thank you for your leadership in addressing public safety issues in our communities throughout the United States.

We particularly commend Chairman Wolf and Ranking Member Fattah for your bipartisan cooperation in helping our Nation create a smarter more effective criminal and juvenile justice system.

I would also thank Chairman Wolf who represents my locality, Fairfax County, Virginia, for his help in supporting our many gang-related issues that are priorities in Fairfax County in Northern Virginia.

I have submitted a longer written statement that addresses many of the public safety programs so essential to our Nation's communities, but today I would like to highlight two of these programs to illustrate their importance by discussing how we have been able to use federal funding in Fairfax County to improve outcomes for our at-risk youth, the Title II Formula Grants and Juvenile Accountability Block Grant.

Concerning the Juvenile Justice and Delinquency Protection Act Title II Formula Grants Program, NACO is requesting a \$37 million increase for this important program. In Fairfax County, Title II funding has allowed us to implement innovative research-based programming, and while Title II funding has supported the development of numerous programs in Fairfax County, the most recent is our Evening Reporting Center which is located in the southern portion of Fairfax County, which includes the Mt. Vernon district which I represent.

This program provides highly structured and well supervised group activities during the high risk time of day between 3 p.m. and 7 p.m. It helps kids develop skills to support positive behaviors and encourages community service opportunities.

At a cost of approximately \$42 per day per child the program provides a community-based alternative for kids who might other-

wise be in detention at a much higher cost of \$270 per day pending court action for violations or crimes committed while on probation.

Fairfax County was awarded federal funding through a five-year competitive grant to establish the Evening Reporting Center. The good news is that during the grant period which ended in 2011 the Evening Reporting Center kept 250 youth out of detention. The even better news is that approximately 90 percent of these kids had no additional charges while participating in the ERC.

I am pleased to report that programs like these do work and can make a difference in the lives of these children and in our communities where they live.

Additional federal funding could increase the availability of such grants, it could help us to expand this successful program through other field probation offices.

Second, concerning the Juvenile Accountability Block Grant Program, NACO is requesting level funding at \$30 million for this program.

Fairfax County has received a JABG allocation since 1999, and to 2005 these funds were used to establish and operate our intensive supervision program.

This program provided intensive surveillance of high-risk youth on probation or parole in order to hold them accountable for their behavior while also protecting public safety. It was started as a way to keep young people in their community and out of detention facilities by using early intervention strategies.

The staff would conduct unannounced face-to-face visits on evenings and weekends. Second, they administer frequent alcohol and drug tests. Three, they monitor curfews and special conditions of probation. Four, provide immediate sanctions for infractions. And five, contact parents at least three out of every seven days.

Unfortunately this program was closed when the funding was reduced by 47 percent. This is a particularly discouraging loss.

By 2003 we had served more than 300 juveniles and at that time more than 63 percent of cases on average were closed successfully meaning that the youth were not readmitted due to parole violations or new violations.

It is important to understand that these were juveniles with criminal backgrounds determined to be high risk for reoffending, and without this program many of them without likely have been readmitted to a detention facility.

Only recently the county has been able to restart this program with local funds, and any federal funding would help us to continue to move in the right direction improving outcomes for these at-risk kids while improving the safety of our communities.

Finally, Mr. Chairman, NACO appreciates how difficult it will be for the subcommittee to prioritize the numerous important programs under your jurisdiction particularly in light of our Nation's ongoing fiscal challenges; however, the funding streams I have discussed today are critical to county governments nationwide and they help fight and reduce crime in criminal gang activity. This is essential as we seek to safely lower jail populations, decrease recidivism rates, combat drug trafficking, and improve public safety while providing prevention, treatment, and alternatives to incarceration where possible.

Finally on a personal note, Mr. Chairman, I have been a local elected official for 25 years, and during that time I have repeatedly received letters, including information on subjects in which I have an interest, such as the Chesapeake Bay, the environment, and other issues concerning local government. I received those letters from a member of Congress in whose district I do not reside, and publicly I want to thank you, Mr. Chairman, because you are the member of Congress who has sent letters to me over these 25 years making sure that I was aware of items occurring at the federal level that would concern me as an elected official, and I want to publicly thank you for being so concerned and caring in terms of helping us represent our constituents.

[The information follows:]

The Honorable Gerald "Gerry" Hyland
Supervisor, Fairfax County, VA
Board Member, National Association of Counties

Chairman Wolf, Ranking Member Fattah and Members of the Subcommittee,

Thank you for the opportunity to testify today to discuss fiscal year 2013 appropriations for the Department of Justice (DOJ). On behalf of the National Association of Counties (NACo), We respectfully ask that Congress support the President's FY 2013 Budget Request for the DOJ *Bureau of Justice Assistance (BJA) Byrne Memorial Justice Assistance Grants (Byrne/JAG) program (\$430 million), Byrne Criminal Justice Innovation program (\$20 million), State and Local Gun Crime and Gang Violence Reduction program (\$5 million), Byrne Competitive Grants program (\$25 million), Second Chance Act program (\$80 million), Residential Substance Abuse Treatment program (\$21 million), Bulletproof Vest Partnership program (\$24 million), National Public Sex Offender Registry (\$1 million), Prison Rape Prevention and Prosecution program (\$13 million), Adam Walsh Act Implementation (\$20 million), Victims of Trafficking program (\$10.5 million) and Community Oriented Policing Strategies (COPS) Hiring program (\$257 million)*. Furthermore, we ask that you reject the Administration's \$73 million funding request for funding the *State Criminal Alien Assistance Program (SCAAP)*, and any proposed consolidation of the *Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) Program* and *Drug Court Discretionary Grant Program* into a new *Drug, Mental Health, Problem Solving Courts and Strategies Initiative*. Rather, DOJ's *MIOTCRA* and *Drug Courts programs* should again be funded separately. These recommendation are shared in communities throughout the country, and NACo's membership of elected and appointed county officials in our nation's 3068 counties.

We thank the Subcommittee for its leadership in addressing the public safety concerns of the residents in our communities, and we particularly commend Chairman Wolf and Ranking Member Fattah for your leadership in helping our nation create a smarter, more effective criminal and juvenile justice system. Your efforts have helped to bring about a spirit of bipartisanship on many critical public safety, domestic violence and juvenile justice issues affecting counties across the nation.

Counties appreciate how difficult it will be for you to prioritize the many important programs under your jurisdiction in the FY 2013 funding cycle, as you continue to debate the options for addressing our fiscal challenges. At NACo, we have expressed support for a balanced approach to tackling the United States' debt problems. We, too, face challenges in allocating diminished resources. Reductions in federal assistance, combined with decreased state funding and lower local revenue, are forcing counties to reduce staff and services, threatening many vital county programs.

Therefore, the FY 2013 appropriation for the Department of Justice (DOJ) is critical, not only to Fairfax County, but to county governments nationwide. These funds help sustain a number of high-priority programs, including those that fight violent crime, criminal gang activity and illegal drugs, along with related criminal justice reform initiatives. Such programs support a wide variety of personnel, and provide technical assistance and guidance on best practices to programs

important to local courts, corrections, law enforcement, juvenile justice, and other assorted agencies that enforce the law. This is essential as we seek to safely lower jail populations, decrease recidivism rates, combat drug trafficking, reduce criminal justice spending and improve public safety, while providing prevention, treatment and alternatives to incarceration where possible. Again, these programs are critical and collectively enforce the law, work to safely lower jail populations, fight recidivism, combat drug trafficking, reduce criminal justice spending, decrease crime and improve public safety through alternatives to incarceration, prevention and treatment.

For example:

- *Byrne JAG* supports a broad range of projects designed to prevent and control crime and to improve the criminal justice system in our communities. Coupled with state and local resources, *Byrne JAG* supports innovative and evidence-based initiatives, technical assistance, training, personnel, equipment, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice. Some examples include prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment and enforcement programs, planning and evaluation, technology improvement programs, and crime victim and witness programs.
- *State Criminal Alien Assistance Program (SCAAP)* provides much needed partial reimbursement assistance to states and localities for the costs associated with the detention and incarceration of undocumented criminal aliens accused or convicted of state and local offenses who have been incarcerated for a minimum of 72 hours. Although it is the federal government's responsibility to protect and secure our nation's borders, counties incur millions of dollars in un-reimbursed expenses each year as a result of housing undocumented immigrants that violate state or local laws. Additionally, it should be noted that counties are responsible for processing and prosecuting illegal aliens, and, in many cases, must provide medical care and other services to these individuals. Many counties bear a disproportionate share of the criminal justice-related costs associated with illegal immigration, and \$73 million for the *SCAAP* program is inadequate, as *SCAAP*-related costs to local jurisdictions continue to rise.
- *COPS Hiring Grants* have been instrumental in enhancing the effectiveness of community policing in the United States, and have been an important factor in the declining crime rate in our communities. To date, the *COPS* Program has been instrumental in the hiring of nearly 117,000 officers throughout the United States, who have partnered with countless local stakeholders to keep our communities safe. Without the *COPS* program, many of our communities and local law enforcement agencies would be at risk. Furthermore, *COPS* is particularly vital because of the serious financial constraints of our nation's law enforcement agencies. In recent years, law enforcement agencies have watched their budgets sizably diminish, resulting in agencies making extremely difficult sacrifices. For example, many law enforcement agencies have been increasing the size of an officer's patrol area, while decreasing the number of officers on a shift, due to lack of available personnel. Additionally, many law enforcement agencies

have had to scale back or close key crime-fighting, crime-reducing, and crime-prevention programs because of a lack of funding and the need to prioritize the allocation of personnel. These setbacks not only pose a serious risk to officers who now may patrol a high-crime area alone or wait longer for back-up, but also hamper law enforcement's ability to effectively and efficiently fight and prevent crime in their communities.

- The *Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA)* program provides assistance to states and communities to create new programs or expand existing programs that can both reduce costs and help mentally ill offenders return to productive lives. State and local governments can use these grants for a broad range of activities, including establishing jail diversion programs, mental health courts, creating or expanding community-based treatment programs, providing in-jail treatment and transitional services. In addition, grant funds may be used to enhance training for criminal justice system and mental health system personnel who must know how to respond appropriately to this population. The nation's local jails are increasingly becoming a repository for the mentally ill. Of the 13.5 million people entering county jails each year, it is estimated that 24 percent are displaying a pattern of symptoms indicative of psychotic behavior. Therefore, implementing a wide range of community-based services is infinitely preferable to jail, in terms of addressing the multiple issues facing this population. In 2008, Congress reauthorized the *MIOTCRA* program for an additional five years at \$50 million annually; however, the program has never been fully funded. Adding to the uncertainty about *MIOTCRA* program grant funding, the Administration has proposed to consolidate the *MIOTCRA* program into the Department of Justice's Drug, Mental Health, and Problem Solving Court Initiative, providing \$52 million collectively for this initiative. While this initiative has merit, this proposed change does not include many of the key elements of *MIOTCRA*, and many of the law enforcement initiatives funded under the program would be lost.
- The *Second Chance Act* represents an important federal investment in strategies to increase public safety and reduce recidivism. This legislation passed with bipartisan support in 2008, and authorizes funding for the development and coordination of reentry services, such as employment training, substance abuse treatment, and mentoring. Evidence-based reentry programs, like those supported by the Second Chance Act, facilitate the often difficult transition from prison to the community, and not only reduce crime, but save taxpayer dollars. According to the U. S. Bureau of Justice Statistics, there are approximately 13.5 million admissions to county jails each year. Of that number, approximately 740,000 individuals are committed to state prison. Furthermore, counties spend more than \$70 billion each year on criminal justice and billions more on health and human services. Therefore, the Second Chance Act ensures that the tax dollars spent on corrections do not simply fuel a revolving door for our prisons and jails.

Furthermore, I would like to highlight another critical area and ask that the committee include adequate funding for critical juvenile justice and delinquency prevention programs in the FY 2013 Commerce, Justice, Science (CJS) Appropriations Bill. We respectfully request the following:

- A \$37 million increase for the *Juvenile Justice and Delinquency Prevention Act (JJDP) Title II State Formula Grants Program*;
- A \$45 million increase for the *JJDP Title V Delinquency Prevention Program*, without earmarks or set-asides;
- Level funding for the *Juvenile Accountability Block Grant (JABG) program* at \$30 million.

Since 1974, *JJDP* has provided critical federal funding to states to comply with a set of core protections that shield youth from the dangers of adult jails, keep status offenders out of locked custody, and address the disproportionate treatment of minorities in the justice system. Title II of the law establishes State Formula Funds to support state compliance with these core protections, helping to ensure that states have the resources to build effective state systems that reduce recidivism and promote public safety. *JABG* is used in the states to reduce juvenile offending by providing judges and other juvenile justice officials a range of age- and developmentally appropriate options that hold youth accountable while giving them the assistance they need to turn their lives around so they are less likely to reoffend.

Title II Grants and *JABG* are critical to Fairfax County, and many counties nationwide. In Fairfax County, funding has decreased significantly since 2002 – from \$140,000 annually to only \$70,000 in 2012. During the launch of *JABG*, Fairfax County established an intensive supervision program for high risk youth, which included evening supervision in the community. The program was highly effective, but when *JABG* funding and the county budget were reduced, the program was closed. Fairfax County shifted the small investment from programming and staff to training for probation staff, due to the limited funds and gaps in the county budget. Additionally, the county has used *JABG* for Training on Evidence-Based Strategies and Systems Reforms, Programming for Court Involved Girls, and Treatment and Trauma Training.

Title II is also critical to Fairfax County, and for decades the county has launched new programs, including detention alternatives such as Outreach Programs and Evening Reporting Centers. These programs were hugely successful and created demand among other probation centers. This funding allowed the county to identify gaps in our continuum of services, implement innovative, research-based programming, evaluate the impact and take it to scale across the county.

The funding sources I have highlighted today support a wide variety of personnel, programs, best practices and technical assistance critical to local courts, corrections and law enforcement. As we work together at all levels of government to improve public safety, these federal funds are essential to our efforts to safely lower jail populations, fight recidivism and combat drug trafficking, while providing prevention, treatment and alternatives to incarceration.

Unfortunately, overall appropriations for these federal juvenile justice programs have declined by more than 50 percent, to their lowest levels in more than 10 years.

In closing, Mr. Chairman, counties understand the severity of the federal budget challenges you face, and recognize that challenging economic times dictate that we spend scarce resources wisely. However, we strongly believe that too much emphasis has been placed on reductions to domestic discretionary spending programs that protect the American people. Further reductions in the programs discussed today, coupled with less state funding and reduced local revenue for local courts, corrections, law enforcement, juvenile justice, and other assorted agencies, limits our ability to fight crime, manage better outcomes for youth, efficiently administer our diverse criminal justice systems and achieve the highest level of public safety.

Thank you for your time today.

About NACo – The Voice of America’s Counties

The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, celebrating its 75th Anniversary in 2010, NACo provides essential services to the nation's 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit www.naco.org.

Mr. WOLF. Well, thank you, Gerry, I appreciate your comments, and thank you for taking the time to testify. I appreciate it.

Mr. HYLAND. And one final note.

Congressman Fattah is not here, but I want to thank him for his working with the large urban county caucus of NACO representing the largest counties in the country. He is been very instrumental in assisting us with federal issues.

Mr. WOLF. Well, thank you. Mr. Schiff.

Mr. HYLAND. Thank you very much, Mr. Chairman.

Mr. SCHIFF. Thank you, Mr. Chairman. I just want to thank you for your good work with at-risk youth and to let you know the first time I appeared in this subcommittee was as a witness like yourself with Mr. Wolf chairing and talking about many of the same issues in terms of trying to keep our young people out of trouble, so I appreciate the work that you are doing.

Mr. HYLAND. Thank you very much.

Mr. WOLF. Thanks. Thomas Bogdan, President, University Corporation for Atmospheric Research.

Thomas Jorling? Is there any witness out there? But if anyone is here let us just move on. Yeah.

Are any of you—you are just spectators? You want to come and be a witness for somebody? Someone we can verify?

Mr. SLAZER. Let us see, my name is Frank Slazer.

Mr. WOLF. Yeah, I am just teasing. Let us see, where are you? Number 12. Great. Welcome to the committee, we appreciate it. We are just trying to move on, that way we can save time for other people, but thank you.

Mr. SLAZER. Thank you.

Mr. WOLF. For the record, Frank Slazer, Vice President, Space Systems, Aerospace Industries Association of America. Welcome.

THURSDAY, MARCH 22, 2012.

AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA

WITNESS

**FRANK SLAZER, VICE PRESIDENT, SPACE SYSTEMS AND POLICY,
AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA**

Mr. SLAZER. Thank you very much. Chairman Wolf and Mr. Schiff, I appreciate greatly the opportunity to testify before the subcommittee today on behalf of the Aerospace Industries Association of America.

We are an organization representing more than 90 percent of the U.S. industry that sustains nearly 11 million highly skilled jobs.

I appreciate this opportunity to testify today on behalf of critical NASA and NOAA programs in the fiscal year 2013 budget request.

We ask today for your support for the Administration's proposed budget of \$17.8 billion for NASA and \$2 billion for NOAA's National Environmental Satellite Data and Information Service, NESDIS. These programs are critical to maintaining our global leadership in space science, technology, and meteorology, directly contributing to your Nation's safety and quality of life.

AIA understands the significant long-term budget pressures facing our Nation; however, we cannot solve these problems by savagely reducing vital discretionary spending such as NASA.

AIA believes the current request provides a bare minimum for NASA's most critical programs, yet the total request for fiscal year 2013 is the same as was appropriated four years ago in fiscal year 2009.

Mr. Chairman, the NASA Authorization Act of 2010 provided a comprehensive bipartisan plan to keep NASA on the cutting edge of exploration in science.

AIA believes the fiscal year 2013 appropriation should adequately fund all the important programs included in this authorization.

With that in mind, AIA believes the continuing progress in the Space Launch System and the Orion Multi-Purpose Crew Vehicle is critical to keeping the United States at the leading edge of human space flight. The SLS will send human crews and cargo to new destinations like the Moon, Mars, and asteroids, and Orion will be launched on the SLS as a crew capsule. Bringing the SLS and Orion MPCV online will keep U.S. human flight space on track towards new frontiers for the first time in 30 years.

AIA supports the continued development of new American space flight systems to support the International Space Station ending the flow of millions of dollars to Russia while simultaneously having the potential to open up new markets. NASA's plan is to end U.S. dependence on Russia's Soyuz vehicle to trial time astronauts to the ISS with a commercial crew program.

With major construction of the ISS now complete it is time we fully utilize the ISS as a premier national lab, one that is already pioneering important research on vaccines, molecular biology, and energy management research.

Another critical element of NASA's budget is space science. NASA's science programs have been an awe-inspiring success story unvailing the mysteries of the universe. NASA's highest priority space science project, the James Webb Space Telescope is the next great space telescope and built on NASA's Hubble legacy.

We recognize the difficult choices made by the Administration in rethink the Mars Exploration Program within the planetary science budget and we applaud NASA's approach to quickly replan for a new way forward which preserves science as the primary goal but also informs future human exploration efforts on Mars.

AIA is hopeful this replan with continue to be guided by the decadal survey of the planetary science.

Mr. Chairman, the environmental observations from space are vital to our Nation's health and safety. Today much of our prediction and forecasting capability comes from NOAA satellite programs which provide critical weather monitoring for all Americans.

AIA supports the full fiscal year 2013 budget request for the Geostationary Operational Environmental Satellite-R Series goes next year. We are turning the program to its required budget profile and preserving the continuity of operations for this critical program.

We also support fully funding the Joint Polar Satellite System Program to minimize the risk from a polar orbit coverage gap as

we transition from the national polar orbiting partnership satellite by supporting the planned launch of the first JPSS in 2017.

Finally, Mr. Chairman, I want to share a few thoughts about how the budget sequester could impact the civil space program. While NASA and industry are creating amazing new space systems another budget crisis is starting to develop, one that may prove to be even more difficult to resolve during a national political election campaign.

As you know without action by the current president and Congress to resolve their deadlock over spending and revenues NASA and NOAA's ability to execute their demanding ambitious civil space program plans will be imperiled by federal budgets sequestered starting on January 2nd, 2013.

Barring a deficit agreement, last year's Budget Control Act requires across the board cuts beginning in January 2013, less than 285 days from now. Sequestration is a problem beyond the Defense Department.

CBO estimates that non-defense programs will be cut by 7.8 percent while the Center for Budget and Policy Priorities estimates the cuts to be even higher, 9.1 percent.

Thank you for this opportunity to provide the views of the U.S. Aerospace Industry and I welcome any questions.

[The information follows:]



NASA AND NOAA FUNDING FOR FY13

Mr. Frank Slazer
Vice President, Space Systems Division
Aerospace Industries Association

Subcommittee on Commerce, Justice, Science, and Related Agencies
House Committee on Appropriations

March 22, 2012

Aerospace Industries Association
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Introduction

Chairman Wolf, Ranking Member Fattah, and distinguished members of the Subcommittee: AIA appreciates the opportunity to testify today, and to discuss critical aerospace programs in the FY13 budget request – those involving the National Aeronautics and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA).

The Aerospace Industries Association (AIA) represents over 350 aerospace manufacturing companies and their highly-skilled employees. These companies make the spacecraft, launch vehicles, sensors, and ground support systems employed by NASA, NOAA, the Department of Defense, the National Reconnaissance Office (NRO), and other civil, military and intelligence space organizations. This industry sustains nearly 11 million jobs, including much of the high-technology work that keeps this nation on the cutting edge of science and innovation. The U.S. aerospace manufacturing industry remains the single largest contributor to the nation's balance of trade, exporting \$89.6 billion and importing \$47.5 billion in relevant products, for a net surplus of \$42.1 billion.¹

I am here today to request your support for the administration's proposed budget of \$17.8 billion for NASA and \$2.0 billion for NOAA's National Environmental Satellite, Data, and Information Service (NESDIS). These programs are critical to maintaining our global leadership in space science and technology that directly contribute to our modern quality of life.

NASA Budget

AIA understands the significant long-term budget pressures facing our nation. However, we cannot solve those problems by savagely reducing our discretionary spending programs. NASA's top line request for FY13 -- \$17.8 billion -- is the same amount as appropriated four years ago, in FY09². Not many agencies across the government are trying to manage with the same level of resources they had four years ago. NASA has already paid its fair share toward deficit reduction. AIA believes the current request represents a bare minimum for NASA's most critical programs. When allocating this funding, AIA's position is that the funding distribution should reflect the policy priorities as outlined in the NASA Authorization Act of 2010 as closely as possible.

Mr. Chairman, after much debate, the NASA Authorization Act of 2010 was signed into law in October 2010. This Act provides a comprehensive, bi-partisan plan to keep NASA on the cutting edge of exploration, aeronautics and science. The budget request changes some of these programs due to budget constraints, but remains faithful to the overall framework of the Act. AIA believes the FY13 Appropriation should seek to adequately fund all of the important programs agreed to by Congress and the White House in this important compromise legislation.

¹ "The Aerospace and Defense Industry in the United States: A Financial and Economic Impact Study", Deloitte, March 2012.

² Total appropriations for NASA in FY2009 were \$17.78 billion.

With many nations rapidly developing space capabilities today, U.S. leadership in space is once again being challenged – and at a time when our national reliance on space – for national security, economic growth and new technology is greater than ever..

With that in mind, we believe continuing to make progress on the Space Launch System (SLS) and the Orion Multi-Purpose Crew Vehicle (MPCV) is critical to keeping the United States at the leading edge of human spaceflight. SLS will lift human crews and cargo to new destinations like the Moon, Mars, and asteroids. Orion will be launched on the SLS as the crew capsule. Bringing the SLS and Orion MPCV online will put U.S. human spaceflight on new frontiers for the first time in over three decades.

AIA supports the continued development of new American human spaceflight systems to support the International Space Station (ISS) - ending the flow of millions of dollars to Russia, and simultaneously having the potential to open new markets. NASA's plan is for the Commercial Crew Program to end U.S. dependence on Russia's Soyuz vehicle to transport astronauts to the ISS. With major construction of the ISS now complete, the time has come to fully utilize the station as a premier scientific National Lab – a platform that already is pioneering important research on vaccines, molecular biology, and energy management research.

Another critical element of NASA's budget involves Space Science. NASA's science programs have been an awe-inspiring success story, rewriting textbooks and inspiring thousands of students to go into mathematics, science, and engineering fields. In fact, NASA's space science programs contributed an astonishing 7.3% of all peer-reviewed, published discoveries in *Science News* worldwide in 2010.³ NASA's highest priority space science project—the James Webb Space Telescope, the next great space telescope, promises to improve on that legacy. It is critically important for the United States to maintain its leadership position in this globally recognized, groundbreaking area of scientific research. When the U. S. government leads international cooperative space science missions, we demonstrate our expertise, ingenuity -- and statesmanship -- on the world's stage. These missions continue to help attract the world's best and brightest scientific talent to the United States in a way that no other program can. They are simply invaluable.

We recognize the difficult choices made by the administration in re-thinking the Mars Exploration Program within the Planetary Science budget, and we applaud NASA's plan to quickly re-plan for a new approach which preserves science as the primary goal but also informs future plans for human exploration of Mars. AIA is hopeful this re-plan will continue to be guided by the Decadal Survey for planetary science.

NASA's science programs also provide an important pipeline for our nation's Science, Technology, Engineering and Math (STEM) education efforts. The wonder of our universe captures the imagination at a very young age, and in many cases can lead to a lifelong career in technology or scientific fields. And it was a little easier to capture this imagination, Mr. Chairman, in 1965, when 25% of our non-defense discretionary budget went into R&D. Currently, the figure is closer to 10%. We need these programs to

³ 2011 *Science News Metric*

serve as a bulkhead against the steady erosion of our best scientific minds, a problem that is getting worse as emerging nations increase their R&D expenditures and provide more attractive employment opportunities than we saw only a few years ago.

NOAA Budget

Mr. Chairman, environmental observations from space are vital to our nation's health and safety. Natural disasters including hurricanes, floods, wildfires, tornadoes, tsunamis, and earthquakes are complex and difficult to predict. Much of our prediction and forecasting capability today comes from satellite programs in NOAA's National Environmental Satellite, Data, and Information Service (NESDIS). NOAA's Geostationary Operational Environmental Satellite – R Series (GOES-R) and the Joint Polar Satellite System (JPSS) provide critical weather monitoring capabilities for all Americans.

Weather forecasts with data from satellites allow us time to prepare for deadly storms offering immediate insights to first responders and supporting research to improve our forecasting models. Weather satellite data also provides important situational awareness for the private sector – over \$400 billion in annual economic activity is affected by weather variability.⁴

Thankfully, the FY13 budget includes an increase of \$186.4 million for GOES-R next year. This returns the program to its required budget profile after the FY12 reduction made possible by NASA's delayed program startup. The requested level of \$802 million is essential to preserve the late calendar year 2015 launch date, which is required to assure continuity of operations for this critical program. The JPSS program requests \$916 million next year, a decrease of \$8 million. These funds are needed to support the planned launch of the first JPSS satellite in 2017 and minimize the risk from a polar orbit coverage gap as we transition to the JPSS constellation.

We are concerned, however, that the budget for the National Weather Service (NWS), NOAA's warning and forecasting arm, has been reduced. Reducing the terrestrial component of the severe weather warning system, including funding for the Wind Profiler Network, appears premature in light of the increased tornadic activity we are experiencing across the country.

In short, Mr. Chairman, NOAA's environmental satellites provide vital services every day to the American public, services they count on without even thinking about it. AIA believes the FY13 President's budget wisely invests in these programs, and we urge Congress to fully fund the \$2.0 billion requested for NESDIS programs, including GOES-R and JPSS.

⁴ Lazo, Lawson, et al. U.S. Economic Sensitivity to Weather Variability

The Devastating Impact of a Sequester

Finally, Mr. Chairman, I want to leave the Subcommittee with a few thoughts about how a domestic discretionary budget sequester could impact the civil space program. While industry is creating new capabilities - commercial crew vehicles to reach the International Space Station, the Orion Crew Exploration Vehicle and Space Launch System to go beyond Earth orbit, new weather satellites and space telescopes - our nation's leadership risks allowing a new budget crisis to develop, one that may prove to be more difficult to resolve in the throes of a national election campaign.

As you know, without action by the current President and Congress to resolve the deadlock over spending and revenues, NASA and NOAA's ability to execute their demanding and ambitious civil space program plans will be imperiled by a federal budget sequester starting on January 2, 2013.

Last year's Budget Control Act requires across-the-board cuts beginning in January 2013 – just 285 days from now. Any notion that sequestration is a problem only for the Defense Department is a serious mistake; CBO estimates that non-defense programs would be cut by 7.8% while the Center for Budget and Policy Priorities estimates the cuts to be even higher - 9.1%. A cut of 9.1% to NASA next year would immediately eliminate \$1.6 billion from the agency's budget. NOAA's weather satellite programs would be cut by \$182 million. And many of these programs are already absorbing reductions from previous budget plans.

As an example, an estimate released last year by this committee's ranking member, Congressman Norm Dicks, stated that sequestration would result in a 2 to 4 year period in which weather data from NOAA's polar-orbiting satellite would be unavailable, and up to 10% of staffing and resources for local weather warnings and forecasts would be eliminated. As he put it, this would be "putting American communities at greater risk from tornadoes, hurricanes and other major weather events".⁵

In short, Mr. Chairman, sequestration would hit space programs like a tidal wave, making the President's budget request cuts in programs seem inconsequential. AIA urges this Subcommittee to do everything in its power to prevent sequestration from taking place.

Conclusion

Mr. Chairman, the future of U.S. space leadership is threatened by our constrained fiscal environment. AIA strongly supports the top line budget request for NASA and NOAA. While cutting the federal deficit is essential, cutting back on space investments or weather monitoring is a penny-wise but pound-foolish approach that will have an infinitesimal impact on the budget deficit. Further cuts in these areas threaten our national technical leadership — even as emerging world powers increase theirs. I thank you for this opportunity to provide the views of the US aerospace industry and I will be pleased to answer any questions.

⁵ Letter of Congressman Norm Dicks, Ranking Member, House Committee on Appropriations, to the Joint Select Committee on Deficit Reduction, October 13, 2011.

Mr. WOLF. Thank you very much for your testimony.

Mr. Schiff.

Mr. SCHIFF. No questions, Mr. Chairman, thank you.

Mr. WOLF. Okay, thank you, sir.

Mr. SLAZER. Thank you.

Mr. WOLF. Since you are the first guy in we will take you and we will go in that order.

Could you tell us your name, please? Tell us your name, please.

Mr. COHEN. Steven Cohen.

Mr. WOLF. Okay. With Columbia University.

Mr. COHEN. That is correct.

Mr. WOLF. Okay. Welcome to the committee.

THURSDAY, MARCH 22, 2012.

COLUMBIA UNIVERSITY (EARTH INSTITUTE)

WITNESS

DR. STEVEN COHEN, EXECUTIVE DIRECTOR, COLUMBIA UNIVERSITY (EARTH INSTITUTE)

Mr. COHEN. Thank you.

Mr. Chairman and members of the subcommittee thank you for the opportunity to voice my appreciation for the support this body has provided for basic science, particularly in the earth and environmental sciences.

Through NSF, NOAA, and NASA about 75 percent of the total funding for basic science in earth and environmental sciences comes through this committee, and the results of that investment is both life saving and critical for our economy.

In the 1960's when I was growing up there were three billion people on the planet, today there are seven billion people. When my 19-year-old daughter is my age there will be ten billion people, and the crucial question is, how do we extract our needs from this planet without destroying it?

In an increasingly crowded planet the scale of production of everything has grown and the draw on the earth's resources has grown, and so if we do not develop an economic system less dependent on the one-time use of natural resources then energy, water, food, and critical raw materials are going to become more and more expensive.

The development of a sustainable renewable resource-based economy is a necessity, and the species that needs this healthy ecosystem is not the sea turtle or the polar bear, but the one you and I belong to, the human species and the one my children belong to.

To sustain and improve our standard of living here in the United States and those of the aspiring middle-class around the world we have to create a high throughput economy that manages our planet's resources and allows us to maintain the quality of our air, water, and land. If we allow those resources to degrade we will not be able to use them productively.

To grow the global economy we need to manage the planet more creatively, and it is science that allows us to understand it well enough to make that happen.

An example I give of this sometimes when I teach is here in my own city of New York. The water that we get in New York City comes from Upstate New York, we don't have to filter it, and we don't have to filter it because we have learned enough about our ecosystems to protect the water so that we don't have to use an expensive filtration system.

Recently in order to deal with the problem of combined sewer overflow the city proposed what is called a green infrastructure plan where we are going to do plantings and things of that nature instead of building a lot of gray infrastructure and we are going to save about a billion and a half dollars.

It is our knowledge of ecology that allows us to do that. And so understanding environmental sciences is not a luxury, it is not a theory, it actually now translates directly to the wealth and the well-being of our city in New York.

And so the importance of the basic investment in science is absolutely essential. We need to learn more and more about the planet. Our level of ignorance about some of the fundamental facts about how this world works is sometimes startling.

I am a political scientist, not an environmental scientist, and I have had to learn all of this after I got my Ph.D., and I have to say that our understanding of the economy and our understanding of political processes is actually greater than our understanding of how the planet works.

So I want to thank the committee for the funding that you have given to basic science and encourage you to do even more.

[The information follows:]

Testimony of Dr. Steven A. Cohen
Executive Director, Earth Institute, Columbia University
Before the
Subcommittee on Commerce-Justice-Science
Committee on Appropriations
House of Representatives
Washington, D.C.
March 22, 2012

Chairman Wolf, Ranking Member Fatah, and Members of the Subcommittee, thank you for this opportunity to voice my appreciation for the support this subcommittee has steadfastly provided for basic science – particularly in the earth and environmental sciences - at the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA), and the National Aeronautics and Space Administration (NASA). This subcommittee is responsible for at least 75% of the total federal support for earth and environmental sciences and the importance of that investment is both lifesaving and essential from an economic point of view, as I will describe in my testimony. Assuming I can make that case to you and your colleagues, I hope that even as you are confronted with extremely severe budget challenges, you will continue to place a high priority on these basic research activities in the FY 2013 appropriations process.

My focus on basic sciences is not because I am a physical or natural scientist. I am a political scientist, a scholar of public management, and the director of two masters programs at Columbia University—a Masters of Public Administration in environmental science and policy, and a Master of Science in sustainability management. In both programs, students are required to take core courses in environmental science. Why do I require management and policy students to learn science? I do so because there is a fundamental need to understand basic environmental processes in order to effectively manage anything in an increasingly challenging world. Decision makers must have insight into the natural resources and inputs that sustain their organization or business - the energy, water and raw materials needed for production. They must also understand the impact of their production on the natural environment. Ask BP if they think that is important knowledge for management to have. An education that includes basic science allows graduates of these programs to serve as managers and policymakers with the environmental and earth science information that is increasingly necessary to evaluate complex information and make informed decisions.

When I was growing up in the 1960s, there were 3 billion people on the planet; today there are over 7 billion. With a global population that is projected to reach 10 billion by 2050, the crucial question emerges – how do we extract our needs from the planet without destroying it? In an increasingly crowded planet, the scale of production of everything has grown, and with it we see an increased draw on the earth's resources. If we do not develop an economic system less dependent on the one-time use of natural resources, then it is inevitable that energy, water, food and all sorts of critical raw materials will become more and more expensive. The development of a sustainable, renewable

resource-based economy has become a necessity. The species that really needs healthy ecosystems is not some endangered sea turtle or polar bear, but the one you and I belong to - the human species. Energy and climate are just some of the first places we see the strain on the global biosphere, but they won't be the last.

In order to maintain and improve our standard of living and those of the aspiring middle class in the developing world, we must create a high throughput economy that manages our planet's resources and maintains the quality of our air, water and land. In the United States and other wealthy nations, we expect our standards of living to continue to rise, enjoying advanced technologies and reaping the benefits of an advanced economy. In order to do this, to grow the global economy in the long-term, we need to manage the planet more effectively. Without a healthy and productive ecosystem, wealth is impossible; environmental protection is a prerequisite to wealth. The stress on our environment has become apparent to those even in the wealthiest nations. The resources of the earth are fixed and finite, and environmental and earth system processes are complex and not yet completely or widely understood. Scientific research is required to continue to advance our knowledge of these systems so that we can ensure our ability to sustainably utilize them in the long-run. We need to advance and invest in the science of earth observation if we are to sustainably manage an economy capable of supporting the planet's population.

The fact is that we know far more about the functioning of our economy than about the environment. The Gross Domestic Product indicator has been around since the 1930s. There is still no such all-encompassing measure for environmental quality and planetary health – yet these may end up being key indicators of global well-being and the ability for individuals, organizations, and nations to prosper. Basic environmental science and earth observations are the prerequisites for such an overall sustainability measure or metric. For these reasons, it is imperative that we expand the collective understanding of natural resources, earth and environmental processes, and biological systems. We must continue to learn about the resources we have at our disposal, the processes that create and sustain them, and, perhaps most importantly, the short-term and long-term impacts we are inflicting on these resources and systems.

The support provided by NOAA's extramural competitive climate change research program, NSF's research programs – especially in the geosciences and biological sciences, and NASA's earth science programs are critical keys to understanding the impacts we are inflicting on our natural resources and our complex environmental systems.

Physical constraints, resource costs, and environmental impacts have become routine inputs to decision-making across sectors and industries. Increasingly, environmental research is needed to drive the understanding behind critical public policy decisions. Basic and applied scientific research can uncover new policy options, lead to cost savings in unexpected ways, and can help make sense of sometimes conflicting data or information. Two examples from New York City illustrate the important role that basic science plays in fundamental policy decisions.

New York City's drinking water is among the best in the world, exceeding stringent Federal and State water quality standards. New Yorkers get their water from three upstate reservoir systems that the City owns and operates – the Catskill, Delaware, and the Croton watersheds. This extensive water system provides over 1 billion gallons of water daily to over nine million New York City residents and residents in the surrounding counties¹. The Catskill and Delaware watersheds, which together provide 90% of the water to the City, are so pristine that their water does not need to be filtered. This is a significant accomplishment; in fact, there are only four other major American cities that are not required to filter their drinking water: Boston, San Francisco, Seattle and Portland.

To keep the sources of water clean, the city works hard to protect the watershed from activities that can threaten their water quality. New York City actively engages in land acquisition when available and feasible, acquiring more than 78,000 acres since 2002². City ownership guarantees that crucial natural areas remain undeveloped, while eliminating the threat from more damaging uses. The city enforces an array of environmental regulations designed to protect water quality while also encouraging reasonable and responsible development in the watershed communities. New York City also invests in infrastructure—such as wastewater treatment facilities and septic systems—that shield the water supply, while working with its upstate partners to ensure comprehensive land-use best practices that curb pollution at the water's source. While these efforts take significant investments of time and money, the alternative to maintaining these watersheds is far more costly. If the water quality deteriorated, the City would be forced to build a filtration plant that could cost as much as \$10 billion to construct, which would mean costs of roughly \$1 billion a year to pay the debt service and operate the plant. This would also cause a water rate increase of at least 30% to New Yorkers³.

Most of New York City's water supply is protected and filtered by the natural processes of upstate ecosystems. To environmental economists, nature's work that protects our water is an "environmental service." Because the price of a filtration plant is known, we can estimate the monetary value of the services provided to filter our water. This comes to \$1 billion per year minus the \$100 million or so we spend each year to protect the upstate ecosystems. This is \$900 million a year of found money that we will lose if we don't protect these fragile ecosystems. It's a graphic illustration of the point that what is good for the environment will often be good for our bank account. However, this is only possible with a strong knowledge of these ecosystem services – we cannot assume nature is doing something and put a value on that service, if our fundamental understanding of the environmental processes involved is flawed or incomplete. This is where basic and applied science research is key- providing the foundation for critical public policy decisions, often involving substantial sums of public dollars. We can see that science is one of many critical inputs that managers and leaders need at their disposal to process complex problems and arrive at the best solution.

I will use my hometown, New York City, to demonstrate once more the influence that informed science can have on public policy problems and the bottom line. The problem of combined sewer overflow remains one of the most difficult water quality issues facing New York City. Combined sewer systems are typical of cities with old infrastructure, where

the sewage from your home is combined with sewage from street sewers before it is piped to the local sewage treatment plant. The problem is that if a large amount of rain suddenly sends a high volume of water into street sewers, it can overwhelm treatment plants and push raw sewage into local waterways before it is treated.

The traditional approach to dealing with the combined sewer overflow problem is to build tanks and other facilities to hold storm water during storms and then release it into the sewers once the storm has ended. In September 2010, New York City released its landmark Green Infrastructure Plan, which would make use of vegetation, porous pavements and porous streets, green and blue roofs, and even rain barrels to augment traditional investment in "gray infrastructure." These "green" low-cost techniques reduce the impact of storms on the city's water treatment plants by absorbing or catching water before it can enter the sewer system. Green infrastructure can quickly reduce the flow of wastewater to treatment plants since it takes much less time to plant greenery or put out rain barrels than to site, design, build, and operate a traditional holding tank.

The goal of New York's innovative green infrastructure plan is to reduce sewage overflows into NYC waterways by 40 percent by 2030. The city's plan estimates costs that are \$1.5 billion dollars less than the traditional "gray" strategy. Not only is green infrastructure cheaper than traditional infrastructure (and just as effective), but these types of projects provide multiple co-benefits for the city including cleaner air, reduced urban heat island effect, improved energy efficiency, and enhanced quality of life through increased access to green space.

Recently the State and City signed a draft agreement allowing the city to begin implementing its green infrastructure approach. The agreement also included a provision to defer making a decision to construct two Combined Sewer Overflow tunnels until 2017. The rationale behind the postponement is that in five years we will know much more about the effectiveness of the green techniques. These tunnels are estimated to cost approximately \$1 billion each, and if we could demonstrate that an ecosystems services approach could save most of these funds, it would be an exciting and important demonstration of the principles of green infrastructure – and the importance of environmental science on policymaking.

Again, we see the importance of utilizing environmental science and research in critical decision-making that impacts significant populations of people. A clear, comprehensive understanding of hydrological, biological, and geochemical processes fuels the decisions to opt for "green" projects versus "gray" projects. Scientific research is not made for the sake of knowledge itself. Important environmental discovery and knowledge form the necessary building blocks to important policies. Neither of these innovative cost-saving public programs would be possible without a solid understanding of science. If we do not make the investment in the basic scientific research needed to make these complex decisions regarding the planet's finite resources and sensitive services, a reduction in the planet's ability to produce goods and services is only a matter of time. We need to dramatically increase funding for basic and applied science and focus attention on research and development in earth observation, energy, food, water and other key areas.

One of the great strengths of this country is our amazing research universities. In the post-World War II era, the U.S. established an effective partnership between government-funded basic research and private sector application of fundamental research in applied technologies, including computers, cell phones, the internet, and of course a host of breakthroughs in medicine and medical technology. Much of the economic growth of the past century and a half has been the direct result of this type of technological development. Government is especially crucial in funding basic science that is too far from products and profits to generate private R & D investment. Government is also needed to help bridge the sometimes wide gap between basic and applied research.

Support for basic environmental science research should not be seen as a partisan or political issue. It is about the discovery of fundamental knowledge that has allowed us to improve our standard of living and holds the promise of a sustainable planet, free from extreme poverty. Support for basic scientific and engineering research and education – particularly the university-based research that the agencies under the jurisdiction of this subcommittee support – is a fundamental role of government similar to national security, emergency response, infrastructure and criminal justice. Reducing this funding is a threat to our long-term economic growth.

Thank you for this opportunity to appear before the Subcommittee. I would be happy to answer any questions the Members of the Subcommittee may have.

¹ “PlaNYC: 2030.” The City of New York. Apr 2007. Web. 3 Mar 2012. Pg 78

² “PlaNYC: 2030.” The City of New York. Apr 2007. Web. 3 Mar 2012. Pg 81

³ “PlaNYC: 2030.” The City of New York. Apr 2007. Web. 3 Mar 2012. Pg 78

Mr. WOLF. Thank you, Doctor, appreciate it.

Next witness. Who is first? Okay. This was supposed to be a gap, but in the interest of time we thought the people—number two.

Are you Mr. Jorling? National Ecological Observatory Network. Welcome.

THURSDAY, MARCH 22, 2012.

NATIONAL ECOLOGICAL OBSERVATORY NETWORK

WITNESS

THOMAS JORLING, ACTING CHIEF EXECUTIVE OFFICER, NATIONAL ECOLOGICAL OBSERVATORY NETWORK

Mr. JORLING. All right, thank you, Mr. Chairman and members of the subcommittee, and I am also going to include staff out of respect from a very long time ago I served in the staff of the other chamber.

Thank you very much for the opportunity to testify in support of the fiscal 2013 NSF budget request which includes funding for the National Ecological Observatory Network or NEON.

My name is Tom Jorling and I am the interim CEO of NEON, Inc., which is an institution established to implement NEON on behalf of the science community and the NSF.

The concept for NEON was initiated in 1998 by the National Science Board's task force on the environment. This was followed by a whole series of community workshops in succession of a competitive planning grant from NSF and the process culminated in a proposal to construct what was to become the NEON project.

There followed a multi-year process involving more than a dozen outside expert review panels convened by NSF and these successful reviews led to approval by the National Science Board, and finally initial construction funding from Congress as part of the Major Research Equipment and Facilities Construction Program.

The MREFC account is a vital link in the maintenance of this Nation's scientific leadership. It is a disciplined peer review process enabling construction of unique and cutting edge research infrastructure. The NSF MREFC request for 2013 is \$196 million, essentially level with the 2012 spending plan.

This funding would support continuing construction of several very important research infrastructure projects, including NEON, as well as continue the disciplined process of planning and oversight that insures efficient and cost effective use of federal dollars.

Acquisition of vital instrumentation and continued construction and installation of scientific equipment will continue in 2013 along with initial operations.

When completed the project will fill a void in observing systems that collect data on the range of variables needed for a complete ecosystem response to environmental stressors; so essential if we are to maintain the ecosystems that support human and all life.

We strongly support the NSF fiscal 2013 budget request including the MREFC account, not just because of our obvious interest, but because the MREFC account is an essential component in a national effort to keep scientific infrastructure at the leading edge; so vital for advancing science and maintaining the U.S. as a leader in

understanding the natural world and all of the benefits that can flow from that understanding.

Thank you for the opportunity to present these views and I will be happy to respond to questions.

[The information follows:]

Testimony of Mr. Tom Jorling
Interim Chief Executive Officer, National Ecological Observatory Network (NEON), Inc.
before the
UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
on
The National Science Foundation's (NSF)
Major Research Equipment and Facilities Construction (MREFC) NEON Project
March 22, 2012

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee, thank you for the opportunity to testify on the FY 2013 budget for the National Science Foundation. My name is Tom Jorling and I serve as the interim CEO of NEON, Inc., a 501 (c)(3) corporation established to implement the NEON – National Ecological Observatory Network – Project supported by the Major Research Equipment and Facilities Construction (MREFC) program of the NSF. We are deeply appreciative of the support this Subcommittee has provided the MREFC account, and NEON in particular, in previous years and hope it will continue as you consider the FY 2013 budget request for the **NSF MREFC account in the amount of \$196.17M**. This funding recommendation is essentially level with the FY 2012 appropriation for this account and will allow the continued construction of NEON consistent with the five-year construction schedule developed by the NSF and NEON, Inc. and approved by the National Science Board.

The Challenge

Maintaining this nation's Science and Engineering (S&E) leadership is increasingly seen as a precondition for maintaining US competitiveness on the world stage. In February 2003 the National Science Board said:

There can be no doubt that a modern and effective research infrastructure is critical to maintaining U.S. leadership in Science and Engineering (S&E). New tools have opened vast research frontiers and fueled technological innovation in fields such as biotechnology, nanotechnology, and communications...Recent concepts of infrastructure are expanding to include distributed systems of hardware, software, information bases, and automated aids for data analysis and interpretation. Enabled by information technology, a qualitatively different and new S&E infrastructure has evolved, delivering greater computational power, increased access, distribution and shared use, and new research tools, such as data analysis and interpretation aids, Web-accessible databases, archives, and collaboratories. Many viable research questions can be answered only through the use of new generations of these powerful tools.

...In an era of fast-paced discovery, it is imperative that NSF's infrastructure investments provide the maximum benefit to the entire S&E community. NSF must be prepared to assume a greater S&E infrastructure role for the benefit of the Nation.

Pushing the frontiers of science requires a sustained effort to ascertain the scientific Grand Challenges that beckon our brightest minds, to determine how science and technology can best address emerging challenges, and to develop the leadership in turning knowledge into technologies and benefits for society. In order to conduct basic research in every field of S&E, students, teachers and researchers must have access to powerful, state of the art scientific infrastructure: the type of infrastructure that has a major impact on broad segments of S&E disciplines. Large and up-to-date research equipment and facilities are essential to the fundamental process of basic research. These equipment and facilities may consist of multi-user facilities, large-scale computational infrastructures, or networked instrumentation and equipment.

We are entering an era of large-scale, interdisciplinary science fueled by large data sets that will be analyzed by current and future generations of scientists. The rapid pace of changes around the globe has underscored the value of long-term data sets for understanding the context of scientific observations, and for forecasting future conditions. Natural and human-managed landscapes are subject to events and processes that play out over different scales of time and space. Some are rapid and visible, like extreme precipitation, wind, and wildfire events, while others are subtle and play out over decades, like changing ocean temperatures and pH that affect the world's fisheries. Dealing with these challenges calls for a new generation of tools and observational capabilities.

Rising to the Challenge

There is no better generation to handle these long-term challenges than the cadre of early career scientists, engineers, and educators that we have in this country. These individuals have trained for professional and academic careers in a highly connected, fast changing, digital world. Many are eager and ready to tackle data-intensive, data-driven scientific challenges if provided the opportunity and the requisite data. We need modern scientific tools that will allow this generation of scientists to listen to the heartbeat of an entire continental ecosystem, to observe the changing patterns of large-scale oceanic patterns that affect our weather, and to use powerful scientific analysis and visualization techniques to understand the connectivity between the atmosphere, land, and sea.

The successful nurturing of these capabilities depends on the availability and accessibility of data characterizing the structure and function of natural systems. Publicly accessible data represents a potent democratization of science: it opens up the marketplace of ideas, and enables participation by constituencies that were previously excluded because of barriers related to the capital costs of scientific infrastructure. The Major Research and Equipment Facilities Construction (MREFC) account funds transformational scientific infrastructure entirely consistent with NSF's vision of science entering into an "Era of Observations" and an "Era of Data and Information".

The Major Research and Equipment Facilities Construction (MREFC) Account

The challenges before us represent a unique opportunity for the United States to demonstrate scientific leadership by paving the way forward and building a new generation of powerful tools that are designed to address today's challenges.

NSF describes the NSF Major Research and Equipment Facilities Construction (MREFC) account as providing “unique, transformational research capabilities at the frontiers of science and engineering”. Such multi-user facilities are identified through extended engagements with the scientific community, designed using processes that NASA, DOE, and others have developed over decades, and constructed using state-of-the-art technology. As Members of this Subcommittee are aware, Congress, the NSF Inspector General, the National Science Board, and NSF provide stringent oversight of the planning, construction, and operations of all MREFC projects to ensure that taxpayer dollars are spent wisely.

We would like to applaud NSF’s stewardship of these facilities. The agency has defined processes that it requires all MREFC projects, including NEON, to follow. These defined processes and an expectation of the timeframes allow us to engage with our user-communities to prepare them for the use of the facility as it gets built, and for when it comes on-line. This allows universities to strategize their hiring strategies, and for our early career scientists to acquire the necessary skills that will allow them to participate in these new scientific enterprises. One such enterprise that we wish to highlight in this testimony is NEON.

Why NEON

Living systems interact with each other and with the rest of the Earth System at many scales. At a small scale, individual plants exchange energy and matter with the atmosphere to support growth. At a large scale, like that of an entire continent, exchange between biotic components, the atmosphere, and surface water affects climate and hydrology.

NEON is the nation’s and the world’s first science facility designed to enable (1) understanding and predicting the way ecosystems work and respond to changes, especially at large scales; (2) understanding how ecosystem processes feed back to alter Earth system processes, including climate and hydrology; and (3) understanding the implications of these processes and feedbacks for the human endeavor.

The project is designed to fill a void in observing systems that collect the range of variables needed for a complete view of ecosystem responses to multiple interacting environmental stressors, essential if we are to maintain the ecosystems that support humans and all life.

The concept for the ecological observatory was initiated in 1998 by the National Science Board’s Task Force on the Environment. This was followed by workshops conducted by a large segment of the ecological community and a succession of competitive planning grants from NSF. This process culminated in a proposal to construct what was to become the NEON project. There followed a multi-year process involving more than a dozen outside expert review panels convened by NSF, including a Conceptual Design Review, Preliminary Design Reviews and a Final Design Review in 2010. These successful reviews led to approval by the National Science Board and finally authorization for construction from Congress in 2010 as part of the Major Research Equipment Facilities Construction (MREFC) program of NSF.

NEON in the FY 2013 Budget Request to Congress

The total NSF MREFC request for NEON for FY 2013 is \$91M. This level of funding would support continuation of civil and facility construction and instrumentation deployment across six geographical regions, and commissioning of the infrastructure in three others. Biological sampling and analysis activities will commence in all constructed and accepted Observatory sites. The funds will also support continuation of the NEON cyberinfrastructure in preparation for serving the freely accessible data to the scientific community. The first NEON airborne remote sensing platform is expected to be completed, fully instrumented, and flight-tested in preparation for delivery to Observatory operations in FY 2014.

The NEON project received its first funding from the MREFC program, \$12.58M in FY 2011 and \$60.3M in FY 2012. The National Science Board approved plan for the full construction of the Observatory calls for \$98.2M in FY 2014, \$91.0M in FY 2015, and \$80.66M over FY 2016. The National Science Board approved total cost for the construction of the Observatory is \$433M.

Summary

We strongly support the FY 2013 appropriations request for the MREFC account, including the request for NEON, because the cutting edge infrastructure is an essential component of the national effort to keep US scientific enterprise at the leading edge. This is vital for advancing science and maintaining the US as the leader in understanding the natural world and all the benefits that can flow from that understanding. Long-term observational data generated by MREFC facilities will open up new opportunities for innovation and discovery that will benefit scores of scientists, engineers, and educators by lowering barriers to participation at the very edges of science. We appreciate the constraints within the budget process, but urge the Subcommittee to consider the NSF investment in major research equipment and related facilities construction as a critical investment in the future health and well-being of the research enterprise -- an enterprise that will fuel this Nation's long term economic competitiveness.

Thank you for this opportunity to present these views. I will be happy to answer any questions or provide additional information.

Mr. WOLF. Thank you very much for your testimony, I appreciate it.

Mr. Schiff.

Mr. SCHIFF. No questions, Mr. Chairman.

Mr. WOLF. Thank you.

Are either of you witnesses? Okay. Why don't we take—you want to tell us who you are?

Mr. WHITE. What?

Mr. WOLF. You want to tell us—

Mr. WHITE. I am Kasey White, Geological Societies of America.

Mr. WOLF. Okay. You are welcome to come around here if you want to take a picture of her.

Mr. WHITE. It is not official unless there is a picture, right?

Mr. WOLF. No, that is right, that is right. No, you can come around and take it. Go ahead.

Mr. WHITE. Thank you very much.

Mr. WOLF. Sure, go ahead. Welcome.

THURSDAY, MARCH 22, 2012.

GEOLOGICAL SOCIETY OF AMERICA

WITNESS

KASEY WHITE, DIRECTOR FOR GEOSCIENCE POLICY, GEOLOGICAL SOCIETY OF AMERICA

Mr. WHITE. Thank you very much, good morning.

My name is Kasey White and I am the director for Geoscience Policy for the Geological Societies of America.

GSA is the oldest geoscience society in North America, we were founded in 1988 and have over 25,000 members from academia, government, and industry in all 50 states and more that 90 countries.

I would like to take this opportunity to thank the committee for their strong support of NSF, especially Chairman Wolf for your recognition on the critical role that NSF plays in our future economy.

We would urge the Congress to appropriate at least the President's request of \$7.3 billion for NSF. This funding level is consistent with the vision to double the NSF budget specified in America Competes which recognize that science and technology are engines of economic growth, environmental quality, and national security.

I would also encourage the committee to at least fully refund the request for the geosciences directorate. The earth sciences are a critical component of the overall science and technology enterprise and the NSF investment.

I would like to highlight just a few of the important research areas in the geosciences directorate.

Natural hazards remain a major cause of fatalities and economic losses worldwide as evidenced this week by Tuesday's earthquake in Mexico. The geologic record demonstrates that several areas in the U.S. will continue to experience major earthquakes and/or volcanos in the future. An improved scientific understanding of these hazards will reduce future losses through better forecast of their

currents and magnitude and allow us to better plan and mitigate in these areas.

We urge Congress to increase funding for NSF investment in fundamental earth science research that stimulate basic understanding of these hazards as well as innovations and monitoring and warning systems.

On another subject energy and mineral resources are critical to economic growth and national security. To improve scientific understanding of these resources will allow for their better management and utilization in an environmentally sustainable manner.

The division of earth sciences supports research geared toward improving the understanding of the structure composition and evolution of the earth and the processes that govern the formation behavior of these materials. This research contributes to a better understanding of the distribution of mineral and energy resources that we can use for future exploration and economic growth.

One particular area of concern due to the concentration of materials in China is rare earth minerals, and we would encourage federal support for research on these rare earths, and NSF has an initiative in the sustainable energy pathways on this topic.

The devastating droughts last year reminded us of our dependence on water. Greater scientific understanding is necessary to insure adequate and safe water resources for the future. NSF has a program solicitation on water sustainability and climate that is designed to address major gaps in our understanding on water availability, quality, and dynamics, and how changing and variable climate activity impact our water systems.

Finally research in our science and education is fundamental to training and educating the next generation of earth science professionals.

A recent study entitled status of the geoscience workforce 2011 by the American Geosciences Institute found that the supply of newly trained geoscientists fall short of geoscience workforce demand and replacement needs, aggregate job projections are expected to increase 35 percent between 2008 and 2018.

Increased NSF investments in earth science education at all levels is needed both to meet the future demand for earth science professionals, but also because knowledge of the earth's sciences is essential to science literacy and to meeting the environmental and resource challenges of the 21st century.

We support NSF research that improves the way we teach and learn about science and NSF's support for student research and fellowship opportunities that encourage students to continue in the sciences.

Thank you for the opportunity to testify today.

[The information follows:]

Testimony of the
Geological Society of America
Kasey White
Director for Geoscience Policy

Regarding the
National Science Foundation
FY 2013 Budget Request

To the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Science, Justice, and Related Agencies
March 22, 2012

Summary

The Geological Society of America urges Congress to appropriate at least \$7.373 billion for the National Science Foundation (NSF) in fiscal year 2013. This funding level would uphold the President's FY 2013 budget request for the NSF and is consistent with the vision to double the NSF budget as specified in the America COMPETES Reauthorization Act of 2010. The budget request would allow NSF to maintain a success rate of funding approximately 22 percent of the proposals received.

The Geological Society of America supports strong and growing investments in earth science research and education at NSF. Substantial increases in federal funding for earth science research and education are needed to ensure the health, vitality, and security of society; stewardship of Earth; and future economic growth. These investments are necessary to address such issues as energy resources, water resources, climate change, and natural hazards. Earth science research forms the basis for training and educating the next generation of earth science professionals. We encourage the committee to at least fully fund the Geosciences Directorate request of \$906.4 million.

The Geological Society of America, founded in 1888, is a scientific society with over 25,000 members from academia, government, and industry in all 50 states and more than 90 countries. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind. GSA encourages cooperative research among earth, life, planetary, and social scientists, fosters public dialogue on geoscience issues, and supports all levels of earth science education.

SCIENCE ■ STEWARDSHIP ■ SERVICE

As Congress recognized in the America COMPETES Act and its 2010 reauthorization, science and technology are engines of economic prosperity, environmental quality, and national security. In 2010, the National Academies issued a report, *Above the Gathering Storm, Revisited*, that speaks to the need to invest in research, even in a tight fiscal environment:

“It would be impossible not to recognize the great difficulty of carrying out the *Gathering Storm* recommendations, such as doubling the research budget, in today’s fiscal environment...with worthy demand after worthy demand confronting budgetary realities. However, it is emphasized that actions such as doubling the research budget are investments that will need to be made if the nation is to maintain the economic strength to provide for its citizens healthcare, social security, national security, and more.”

Likewise, the National Commission on Fiscal Responsibility and Reform, headed by Erskine Bowles and Alan Simpson, said:

“[W]e must invest in education, infrastructure, and high-value research and development to help our economy grow, keep us globally competitive, and make it easier for businesses to create jobs.”

The America COMPETES Act and the America COMPETES Reauthorization Act of 2010 set the stage to double the National Science Foundation (NSF) budget. Even with the fiscal pressures facing our Nation, Congress and the Administration have gradually moved NSF along the doubling path, and we greatly appreciate your support.

The Geological Society of America urges Congress to appropriate at least \$7.373 billion for the NSF in fiscal year 2013. We believe this growth in NSF is necessary for America’s future economic and science and technology leadership, both through discoveries that are made through this investment and through the talent developed through NSF programs. This funding level would uphold the President’s FY 2013 budget request for the NSF and is consistent with the vision to increase the NSF budget in the America COMPETES Act. This level would directly support an estimated 285,000 scientists, fellows, trainees, teachers, and students. The budget request will allow NSF to maintain a success rate of funding approximately 22 percent of the proposals received.

The earth sciences are critical components of the overall science and technology enterprise and NSF investment. Increases in federal funding for earth science research are needed to ensure the health, vitality, and security of society and for Earth stewardship. Earth science research provides knowledge and data essential for developing policies, legislation, and regulations regarding land, mineral, energy, and water resources at all levels of government.

The budget requests \$906.4 million, an increase of 2.4%, for the Geosciences Directorate. Within the directorate, the Division of Earth Sciences would receive \$189.2 million, a 3.1% increase; Atmospheric and Geospace Sciences would receive \$264.4, a 2.1 % increase; Integrative Computing Education and Research would stay flat at \$91.2 million, and Ocean Sciences would receive \$362 million, a 2.9% increase.

NSF's Earth Sciences Division regularly receives a large number of exciting research proposals that are highly rated for both their scientific merit and their broader impacts, but many meritorious projects have not been funded due to budget constraints. Additional investments in earth science research can have significant positive impacts on society.

It is critically important to increase NSF's investments in earth science research and education to meet challenges posed by human interactions with Earth's natural system and to help sustain these natural systems and the economy. Increased investments in NSF's earth science portfolio are necessary to address such issues as natural hazards, energy, water resources, climate change, and education. Specific needs include:

- Natural hazards - including earthquakes, tsunamis, volcanic eruptions, floods, droughts, wildfires, and hurricanes - remain a major cause of fatalities and economic losses worldwide. Recent natural disasters provide unmistakable evidence that the United States remains vulnerable to staggering losses. 2011 was a record year for natural disasters in the United States, with 12 separate billion dollar weather/climate disasters, breaking the previous record of nine billion-dollar weather/climate disasters in one year. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude, and allow for better planning and mitigation in these areas. We urge Congress to increase funding for the NSF investments in fundamental earth science research that stimulate basic understanding and innovations in natural hazards monitoring and warning systems. One new initiative to highlight in this arena is the "Creating a More Disaster Resilient America" in the Science Engineering and Education for Sustainability Initiative (SEES).
- Energy and mineral resources are critical to the functioning of society and to national security and have positive impacts on local, national, and international economies. Improved scientific understanding of these resources will allow for their better management and utilization while at the same time considering economic and environmental issues. The Division of Earth Sciences supports proposals for research geared toward improving the understanding of the structure, composition, and evolution of the Earth and the processes that govern the formation and behavior of the Earth's materials. This research contributes to a better understanding of the natural distribution of mineral and energy resources for future exploration. Research on critical materials needed for renewable energy sources are highlighted in the SEES Sustainable Energy Pathways Initiative and GSA encourages federal support for research on rare earth materials.
- The devastating droughts in 2011 reminded us of our dependence on water. The availability and quality of surface water and groundwater are vital to the well being of both society and ecosystems. Greater scientific understanding of these resources is necessary to ensure adequate and safe water resources for the future. NSF's program solicitation on water sustainability and climate is designed to address major gaps in our basic understanding of water availability, quality, and dynamics, and the impact of both a changing and variable climate, and human activity, on the water system.

- Forecasting the outcomes of human interactions with Earth's natural systems, including climate change, is limited by an incomplete understanding of geologic and environmental processes. Improved understanding of these processes in Earth's deep-time history can increase confidence in the ability to predict future states and enhance the prospects for mitigating or reversing adverse impacts to the planet and its inhabitants.
- Research in earth science and education is fundamental to training and educating the next generation of earth science professionals. A recent study *Status of the Geoscience Workforce 2011* by the American Geosciences Institute found:

“The supply of newly trained geoscientists falls short of geoscience workforce demand and replacement needs. According to the U.S. Bureau of Labor Statistics there were a total of 262,627 U.S. geoscientist jobs in 2008, and in 2018, the projected number of U.S. geoscientist jobs will be 322,683, a 23 percent increase. These projections do not include replacements due to attrition. Given the age demographics of the geoscience discipline, we expect a 12 percent replacement rate for attrition. With this adjustment, aggregate job projections are expected to increase by 35 percent between 2008 and 2018....The majority of geoscientists in the workforce are within 15 years of retirement age. Even in oil and gas companies, which typically offer the highest salaries of all geoscience employing industries, the supply of new geoscientists is short of replacement needs. By 2030, the unmet demand for geoscientists in the petroleum industry will be approximately 13,000 workers for the conservative demand industry estimate.”

Increased NSF investments in earth science education at all levels are needed because knowledge of the earth sciences is essential to science literacy and to meeting the environmental and resource challenges of the twenty-first century. NSF's Education and Human Resources Division researches and improves the way we teach science and provide research and fellowship opportunities for students to encourage them to continue in the sciences. Specifically, NSF's Expeditions in Education Program (E2) would involve many Geoscience Programs on education and human resource development, with research to examine undergraduate STEM learning.

The Geological Society of America is grateful to the House Appropriations Subcommittee on Commerce, Science, Justice, and Related Activities for its leadership in increasing investments in the National Science Foundation and other science agencies. We thank the committee for their support of research at NSF and their recognition of the critical role it plays.

For additional information or to learn more about the Geological Society of America – including GSA Position Statements on water resources, energy and mineral resources, natural hazards, climate change, and public investment in earth science research – please visit www.geosociety.org or contact Kasey White at kwhite@geosociety.org.

Mr. WOLF. Well, thank you very much for your testimony, I appreciate it.

Mr. Schiff, anything? Thank you.

Tom Bogdan with University Corporation for Atmospheric Research. Welcome.

THURSDAY, MARCH 22, 2012.

**UNIVERSITY CORPORATION FOR ATMOSPHERIC
RESEARCH**

WITNESS

THOMAS BOGDAN, PRESIDENT, UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

Mr. BOGDEN. Mr. Chairman, on behalf of the University Corporation for Atmospheric Research or UCAR, I appreciate this opportunity to present this testimony regarding the fiscal year 2013 funding for the National Science Foundation.

I am Tom Bogden, President of UCAR, a consortium of over 100 universities which manages and operates the National Center for Atmospheric Research or NCAR on behalf of the National Science Foundation.

As you know research founded by the NSF has indispensable basis for two key long-term drivers of our economy. Technology development and innovation. However, I have a serious concern with the NSF fiscal year 2013 budget request, specifically the proposed decrease in funding for the National Center for Atmospheric Research within the geosciences directorate.

We exist to extend the capacity of the university community to produce the basic and applied research that enables us to understand the behavior of the atmosphere and the earth. For example, things that contribute to citizen safety, the management of natural resources, agriculture, transportation, troop movement, bacteria borne diseases, access to water, and indeed even the effects of space weather on the Nation's energy communications infrastructure.

We provide the research infrastructure. Tools such as high performance computing, modeling, and research aircraft to assist our over 100 member universities in their cutting edge science endeavors.

An investment in NCAR is an investment in the health of our Nation through the enhanced research of those over 100 universities across the country, yet as NSF's budget is increased in the President's request NCAR's is decreased by an amount that would cause layoffs of up to 10 percent of our technical staff.

I understand that a cut to one laboratory might not seem of much consequence when you are truly balancing the Nation's multi-billion dollar portfolio, but NCAR scientists and facilities serving this country's academic community provide end to end results, pay real dividends for our economy and our Nation's competitiveness.

Let me illustrate. This device here that I hold in my hand knows where I am. It can tell me if I am in the path of a tornado with lead time of say 10 to 30 minutes. It also is able to access what

is happening around me in terms of traffic, congestion, and it can tell me when and where I need to go to get out of harms way, and it will only bother me if that tornado is going to affect me, so we don't have the false alarms that have been so costly for us in Joplin and other places.

In a real sense this is what NCAR is about, harnessing the power of science and service to society so that we can save lives and protect livelihood.

Mr. Chairman, given the severe weather challenges confronting this Nation as well as the external challenges to our status as a global scientific and technological leader this is really no time to back off investment in institutions such as the National Center for Atmospheric Research.

I urge the committee to support additional funding for NSF's geo directorate to allow the fiscal year of 2013 funding of \$106.6 million for NCAR.

I thank you very much for this opportunity to appear before you.
[The information follows:]

**Testimony Regarding Fiscal Year 2013 Funding for
Federal Science and Technology Programs
Submitted 16 March 2012 to the
Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations, United States House of Representatives
by
Thomas J. Bogdan, President,
University Corporation for Atmospheric Research**

On behalf of the University Corporation for Atmospheric Research (UCAR), I submit this written testimony to the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies for the Committee record. UCAR is a consortium of over 100 research institutions, including 77 doctoral-degree granting universities, which manages and operates the National Center for Atmospheric Research (NCAR) on behalf of the National Science Foundation. **I urge the Subcommittee to support the following levels of science funding in the Fiscal Year 2013 Commerce, Justice, Science and Related Agencies Appropriations Act**

- **National Science Foundation (NSF)** – At least \$7.373 billion, including \$106.6 million for the National Center for Atmospheric Research within the Geosciences Directorate.
- **National Aeronautics and Space Administration (NASA)** – \$5.073 billion for Science, and within this mission directorate, \$1.785 billion for Earth Science, including \$440.1 million for Earth Science Research, and \$647.0 million for Heliophysics.
- **National Oceanic and Atmospheric Administration (NOAA)** – \$5.008 billion, including \$413.8 million for the Office of Oceanic and Atmospheric Research (OAR), \$212.7 million for the OAR Climate Research line, and \$991.9 million for the National Weather Service (NWS).

Countless economic studies over the years have demonstrated the link between federally-funded scientific R&D and economic vitality, industry and job growth, productivity, competitiveness, and innovation. Our nation is facing significant economic challenge at the same time as foreign investments in research and technology development are surging. Preserving and strengthening our nation's scientific talent and investments in scientific research is both prudent and necessary. Even in this difficult economic environment, we must maintain a balance of basic research elements including the scientific workforce; data collection, analysis and storage; computing; and facilities. As I describe below, I am concerned that the President's Budget Request for FY13 represents some imbalance within the science agencies.

Basic federally-supported atmospheric sciences research is becoming more critical to the well-being of U.S. citizens and the overall health of the nation. A trend of escalating weather- and climate-related disasters per annum, and associated escalating costs in lives and dollars, is now emerging. According to experts in the federal government and reinsurance industry, 2011 will prove to be the most costly year on record for weather and climate related disasters in this country, with the estimated total economic damage now exceeding \$45 billion. Recent early tornado activity that devastated areas of the southeast portends another serious coping challenge in 2012. These are just a few reasons supporting the need for ongoing and sustained investment in the scientific activities at NSF, NASA and NOAA. I appreciate the opportunity to comment in more detail on the budget requests for these agencies.

National Science Foundation (NSF)

I urge you to support the President's FY13 request of \$7.373 billion for NSF. NSF's mission is to support basic research which is the basis for two key drivers of our economy -- technology development and innovation. Increasing the NSF budget leads to discoveries that keep this country economically competitive, develop new avenues for job creation, and contribute to national security. According to the NSF budget request, "In a given year, NSF awards reach nearly 1,900 colleges, universities, and other public and private institutions in 50 states, the District of Columbia, and Puerto Rico. In FY 2013, NSF support is expected to reach approximately 285,000 researchers, postdoctoral fellows, trainees, teachers, and students." As illustrated by these numbers, NSF is indispensable to the health and resiliency of our nation's scientific R&D enterprise.

National Center for Atmospheric Research. NSF's Geosciences Directorate (GEO) supports a broad and diverse academic field that contributes to our understanding of long term weather, extreme weather, dynamics of water resources, effects of the Sun on the Earth, effects of space weather on global communications, interactions of the Earth's systems, energy resources, geologic hazards, and all aspects of the global oceans. UCAR endorses the President's FY13 request of \$906.4 million for NSF's GEO Directorate.

However, I do have concerns within the GEO budget request that I would like to address, namely the proposed budget for the National Center for Atmospheric Research (NCAR). In recent years, NSF has created constructive, cross-cutting initiatives meant to address issues of importance to the nation, such as sustainability. I do not question the merit of these efforts, nor of the programs that have come about through the cross-Foundation investments in sustainability science. However, investment in these sweeping activities have unfortunately come at the expense of established NSF programs and centers, many which complement the new initiatives, even when the overall NSF budget has been growing. Given federal budget pressures, this promises to undercut some of the basic, critical programs that NSF provides the nation, including NCAR, an NSF Federally Funded Research and Development Center (FFRDC) that expands the capacity of the nation's academic community to understand weather, the composition of the atmosphere, Sun-Earth interactions, space weather, and the interactions between oceans and atmosphere.

Further, while NSF, GEO, and the Division of Atmospheric and Geospace Sciences (AGS) in which NCAR resides, all show increases in the budget request for 2013, primarily to fund ongoing growth in the sustainability research portfolio, NCAR's proposed budget is decreased by 6.4 percent compared to the FY 2012 estimate. The budget request language states, "This level of support protects the operation of the NCAR/Wyoming Supercomputer Center (NWSC), completed on time and within budget, and maintains support for other key community research infrastructure operated by NCAR." However, NCAR encompasses an integrated and well leveraged combination of both science and facilities. Continuing full support for this infrastructure, including the added costs of operating the NWSC, while absorbing a cut to the NCAR budget of over \$6 million, will place NCAR's basic science research programs, some of the best in the world, in jeopardy. Cutting the laboratory would be counterproductive to the

potential productivity of the NWSC, given the computing center's reliance on NCAR modeling and scientific expertise. With a balanced NCAR portfolio of science and facilities, NWSC operations will advance many fold critical weather and climate research contributions to address the societal needs of our nation

We estimate that real cuts, when all expenses are tallied, would amount to decreases to NCAR's scientific research on the order of 11 to 13 percent. Simply to maintain programs and infrastructure, NCAR would need an increase over the FY12 appropriated amount. **I urge the Committee to support funding of \$106.6 million for the National Center for Atmospheric Research within GEO's Division of Atmospheric and Geospace Sciences, and further, to direct the agency to maintain ongoing support for NCAR at sustainable levels in future budgets, including the financing of the NWSC operating costs, without reducing the NCAR base funding as an offset.**

National Aeronautics and Space Administration (NASA) – Science Mission Directorate

The research supported and data collected by NASA's Science Mission Directorate are essential to atmospheric sciences research and global Earth observations. Through the use of space observatories, satellites, and other probes, NASA helps us achieve a deeper understanding of Earth, including answers to how the Earth's long-term weather patterns may be changing. **I urge the Subcommittee to fund the Science Mission Directorate at \$5.073 billion, the amount appropriated in FY12 and a level of funding that would help to keep on track future missions that are now threatened with delay.**

Earth Science. Despite the unfortunate loss of the Glory satellite mission in early 2011, the last year was relatively successful with the launch of three key Earth Science missions: Aquarius, Juno, and GRAIL. The new Pathfinder Venture Class program remains on track with both selected missions and future competitions. The Orbiting Carbon Observatory 2 (OCO-2) is moving forward with an expected 2013 launch date. Given the promise of these observatories, I am pleased that the President's budget request proposes to increase funding for these and other Earth System Science Pathfinder missions in FY 2013.

The National Academy of Sciences decadal survey, *Earth and Science Applications from Space: National Imperatives for the Next Decade and Beyond*, released in 2007, continues to provide a critical set of recommendations of the most compelling needs in future Earth observations. Ice, Cloud and Land Elevation Satellite-2 (ICESat-2) and Soil Moisture Active-Passive (SMAP) are Tier I (top priority) decadal survey missions funded within the Earth Systematic Missions line office. Expected to launch in 2016 and 2014, respectively, the FY13 request keeps these important missions on schedule. However, other important missions recommended by the decadal survey are threatened with delays that jeopardize their future. Given the importance of these measurements to scientists, state and city planners, first responders, and governors, the nation must not allow any further delay in the deployment of these resources needed for our states and localities to wisely and appropriately adapt in the decades to come. **I urge you to fund the President's request of \$1.785 billion for Earth Science in FY13.**

While the FY 2013 Budget Request provides funding to keep many important Earth Science missions on track, it also proposes a \$6.5 million cut to **Earth Science Research** that is critical to translating missions into discoveries and new knowledge. At least 90 percent of the funds of this program are competitively awarded to investigators in academia, the private sector, laboratories, and other academic centers to utilize NASA data to further our understanding of Earth processes. A \$6.5 million cut portends the loss of ongoing research projects and critical grant money for atmospheric scientists at national universities and NCAR. **I urge you to restore funding for Earth Science Research to \$440.1 million, the amount appropriated in FY 2012.**

Heliophysics. With all of human civilization located in the extended atmosphere of the Sun, heliophysics, a sister field to the atmospheric sciences, is a critical discipline for understanding Sun/Earth connections. This research allows us to analyze the connections between the Sun, solar wind, and planetary space environments. NASA's Heliophysics division enables NCAR to serve the solar-terrestrial physics community through delivery of community models for the upper atmosphere, instrumentation for space and balloon flights, and solar and upper-atmospheric data from space and balloon missions. We are pleased to see that Heliophysics missions in development remain on track and that research within this division receives a slight increase. **I urge you to fund Heliophysics at the requested \$647.0 million.**

National Oceanic and Atmospheric Administration (NOAA)

All Americans benefit from the life-saving warnings produced by the National Weather Service (NWS), whether its forecasts for tornadoes, hurricanes, flooding, blizzards, ice storms, or heavy snow. What many Americans do not understand is the research behind producing accurate forecasts. Satellite and ground observations collect data around the clock on real-time conditions. Computer models are run continuously to produce projections and predictions as weather systems develop. Research collaborations with the nation's leading universities and the private sector produce improved data analysis, enhanced forecasting capabilities, and technology development. Free and open access to forecasts and weather data enable broadcast meteorologists and others to reach citizens, local governments, and resource managers with critical information.

The sum of the parts, when all are supported appropriately in a balanced manner, adds up to saved lives, protected property, enhanced homeland security, and benefits to the economy. Yet NOAA's budget is one of the least balanced of the scientific agencies. NOAA is roughly a \$5 billion agency, with nearly \$2 billion dedicated to satellite programs. While the data and observations that stem from NOAA's satellite systems are absolutely critical, for the reasons already stated, the UCAR community continues to be concerned with NOAA's investment in satellite programs that, because of longstanding cost overruns and mismanagement, have placed a squeeze on other parts of the agency, particularly the research accounts. NOAA is taking steps to improve this issue, but the outlook for NOAA's budget over the next several years is bleak since resources will continue to be poured into programs like the Joint Polar-orbiting Satellite System (JPSS). These satellite observing systems, all located within NOAA's National Environmental Satellite, Data, and Information Service (NESDIS), will produce data that are absolutely essential to the nation's weather, space weather, and climate forecasting capabilities. But they cause an imbalance to NOAA's budget that threatens to torque NOAA's mission and

products. **I urge you to support the requested FY13 amount of \$5.008 billion for NOAA, but to consider increasing that amount to restore the balance to NOAA programs that will make it possible for the agency to provide the best scientific and operational products.**

Office of Oceanic and Atmospheric Research (OAR). In FY11, the appropriated amount for OAR was \$416.6 million. For FY13, the President requests a total of \$403.4 million, taking the office back almost to the 2009 level. While it may appear that OAR receives a healthy 7.7 percent proposed increase for FY13, FY12 cuts were much deeper than this increase. **I urge you to fund OAR at the requested \$413.8 million (ORF and PAC combined), recognizing that additional investment is needed to restore recent funding cuts to OAR that have resulted in the termination and downsizing of many important NOAA research programs.**

One example of such FY12 cuts at OAR is the **Climate Competitive Research, Sustained Observations, and Regional Information** program, which funds extramural research that leverages NOAA programs and provides some of the needed program balance to its portfolio. States rely upon the climate, weather and water outlooks developed under this program to develop seasonal and yearly management plans for water, agriculture, energy and fisheries. In addition to these critical regional outlooks, this account funds global ocean observing programs essential for accurate weather forecasting and satellite calibration and validation, which are required to reap full use of the billions invested in satellite observations. **I urge you to fund OAR's Climate Research portfolio at the requested \$212.7 million, and to fund the President's request of \$146.3 million for Climate Competitive Research, Sustained Observations, and Regional Information.**

National Weather Service (NWS). As noted earlier, NWS is a 24/7 operation, and is this nation's sole authoritative source for issuing warnings and forecasts related to weather, severe weather, and long term weather trends. To continue providing these critical services to the country, NWS must have as much information about weather conditions as possible. The less information, the less accurate the forecast will be. Yet, the FY13 request seems to cut multiple data gathering programs. One important example is the **NOAA Profiler Network**, a network of observing instruments scheduled to cover the country, but discontinued except for three units in Alaska. This system could have provided essential information about the development of severe storms – a service that, in the wake of recent tornado disasters, seems a good investment. Again, the loss of data gathering capabilities creates a serious imbalance to NWS activity.

Within NWS, we are extremely pleased with the progress being made by the **Hurricane Forecast Improvement Program (HFIP)** that promises great improvement in the reliability of hurricane forecasts. HFIP computing resources have been proposed for cuts in FY13. Given the great promise of HFIP to save lives and property, I ask that that computing resource be restored. **I urge you to fund NWS at the requested level of \$991.9 million (ORF and PAC combined) and to consider a higher level so that restoration of essential observing and computing facilities may be achieved.**

Thank you for your service to our nation's scientific enterprise and for the opportunity to express these views on behalf of the geosciences community.

Mr. WOLF. Well, thank you for your testimony, I appreciate it. Mr. Schiff.

Thank you. Next, Tom Skalak, University of Virginia. Your full statement will appear in the record.

THURSDAY, MARCH 22, 2012.

UNIVERSITY OF VIRGINIA

WITNESS

THOMAS SKALAK, VICE PRESIDENT FOR RESEARCH, UNIVERSITY OF VIRGINIA

Mr. SKALAK. Thank you, Chairman Wolf and members of the subcommittee thank you for the opportunity to speak today.

I offer this testimony on behalf of the University of Virginia which sustains the ideal of developing leaders who are well prepared to shape the future of this Nation.

I am also the past president of the America Institute of Medical and Biological Engineering which respects over 50,000 working professionals in one of America's greatest knowledge-based industries.

UVA conducts scientific and engineering research that helps maintain our national economic strength.

In 2011 the university received over \$240 million in federal funding for research, 71 percent of its research dollars.

Because of the importance of this federal funding I urge this committee to support the President's requested funding levels for federal science agencies in fiscal year 2013, including for NSF space technology and aeronautics at NASA and manufacturing programs at NSF and in Commerce.

I also want to urge you to support specifically the Hypersonics Program at NASA and flat funding at the fiscal year 2012 level for NASA science and EDA.

UVA is aware of the very difficult budgetary decisions facing the Congress, and yet I want to emphasize that investments in these agencies will help universities make the discoveries at the frontiers of knowledge, design new technologies that solve national challenges, and power our innovation-based economy.

Last year researchers at UVA received \$26 million in NSF grants to conduct a variety of research. This includes improving our Nation's wireless networks, developing cutting edge heating and cools technologies, and revolutionizing tissue regeneration of nerves and ligaments which helps our citizens as well as returning veterans.

Funding has also supported efforts to increase the number of women and minority students in STEM fields.

NSF as well is at the forefront of efforts to insure that basic research is transformed into products that enhance our innovation economy.

UVA has utilized NSF funding. For example, in my own partnership for innovation grant to create improved networks between universities and industries in fields such as bioengineering, one of the great American industries in which exports lead imports by a large margin which enhances innovation.

Independent audits have shown that proof of concept funds at UVA leading basic discovery to market applications have led to a

7 to 1 return on investment after five years, and a 42 to 1 return on investment for the top 10 percent of portfolio projects. These kinds of returns are hard to get even in private sector funds. So universities are really doing the job of building the innovation economy for the U.S.

A new program to support proof of concept research was authorized at NIH last year, it was part of the 2011 SBIR reauthorization, and we would recommend expansion of proof of concept funding at other federal research agencies as well because it will help them also catalyze the transition to innovation oriented products with similar levels of return on the federal investment.

UVA supports manufacturing programs proposed in the budget at NIST, EDA, and NSF to power our manufacturing base. UVA is partnering with Virginia Tech and Virginia State University as well as with private partners such as Rolls Royce North America, Siemens, and Canon to create the Commonwealth Center for Advanced Manufacturing.

Earlier this month, President Obama visited CCAM and highlighted it as a model for public private partnerships that are needed to spur advanced manufacturing that will bring jobs back to the United States.

I would like to thank you, Chairman Wolf and the committee for your championship of the federal science agencies in these tough budgetary times, and we urge you to support these strategic increases for the science agencies.

The information follows:]

**Testimony Regarding the FY 2013 Budget Request
Submitted March 16, 2012 to the
Subcommittee on Commerce, Justice, Science, and Related Agencies
U.S. House Committee on Appropriations by
Thomas C. Skalak, Vice President for Research
University of Virginia**

This testimony is submitted for the record on behalf of the University of Virginia, a non-profit public institution of higher education located in Charlottesville, VA. The University sustains the ideal of developing, through education, leaders who are well-prepared to help shape the future of the nation. In fiscal year (FY) 2011 the University received research awards totaling over \$338 million from all sources (federal and state agencies, industry and private foundations). Of this amount, \$241 million, or 71 percent, came from federal grants and contracts.

As the Vice President of Research and on behalf of the University of Virginia (UVA), I urge the Committee to support the President's requested funding levels for the federal science agencies in the FY 2013 budget, including: \$7.373 billion for the National Science Foundation (NSF); \$699 million for Space Technology at the National Aeronautics and Space Administration (NASA); \$552 million for NASA Aeronautics; and proposed manufacturing programs at NSF and the Department of Commerce. I also urge you to support flat funding at the FY 2012 funding level for NASA Science and the Economic Development Administration (EDA). Investments in these agencies will help universities make new discoveries at the frontiers of knowledge, conduct critical research, design and engineer new technologies and systems that help to solve national challenges, and power our innovation-based economy.

UVA is aware of the difficult budgetary decisions facing the Congress in the coming years, yet federal investments in science and engineering remain critical to spurring innovation and driving the economy. According to the Science Coalition, more than half of our economic growth in the United States since World War II can be traced to science-driven technological innovation. The platform for this innovation has been scientific and engineering research conducted at universities and supported by the federal government through agencies such as NSF, NASA, and the Department of Commerce.

Considering the tight budget conditions that the Country faces, it is imperative to make strategic investments in critical areas of science and engineering that will produce technological innovation and societal benefit. For example, UVA supports the Advanced Manufacturing Partnership to power our manufacturing base and help advance myriad technologies to address challenges in energy, health, and security. Programs proposed in the budget request such as the National Network for Manufacturing Innovation (NNMI), as well as the National Institute of Standards and Technology (NIST) Centers of Excellence program and Advanced Manufacturing Technology Consortia (AMTech) will lend key support to realize these opportunities.

Government-industry-academic partnerships such as those that NNMI and AMTech would support will be critical to building our manufacturing base and keeping high-tech jobs in

America. For instance, within the Commonwealth of Virginia, UVA is partnering with Virginia Tech and Virginia State University to create the Commonwealth Center for Advanced Manufacturing (CCAM) at a new Rolls-Royce manufacturing site in an impoverished section of Prince George County. Along with private partners such as Rolls-Royce North America, Siemens, Sandvik Coromant, and Canon this research facility will spur innovations and improvements that can be applied directly to real manufacturing processes and technologies. CCAM will efficiently foster collaboration among industry, academia, and the public sector by utilizing public and private research funding to develop transformational improvements to advanced manufacturing processes; providing shared access to advanced facilities and personnel to lower industry development costs; and training students to become the next generation of manufacturing technology leaders. Last week President Obama visited CCAM and highlighted it as a model for the public-private partnerships needed to spur advanced manufacturing and bring jobs back to the United States.

National Science Foundation

The University of Virginia supports the President's budget request of \$7.373 billion for the National Science Foundation (NSF) in FY 2013. This would represent an increase of \$340 million or 4.8 percent above the FY 2012 enacted level. Ground-breaking discoveries that spur innovation and help solve critical societal challenges would not be possible without the foundational work of basic research. Universities conduct most of the basic research in this country, and the NSF is a critical funder of basic research in engineering and computational, physical, environmental, social, and biological sciences. In the last fiscal year, researchers at UVA received over \$26 million in competitive NSF grants that support research in all areas of science and engineering.

NSF funding has allowed faculty and students at UVA to conduct ground-breaking research to improve our nation's wireless networks, advance technologies to transform solar energy into liquid fuel, develop cutting-edge heating and cooling technologies, understand how environmental change impacts the Virginia coastal ecosystem, and revolutionize tissue regeneration of nerves and ligaments, among many other initiatives. Funding has also supported critical efforts to increase the number of women and minority students in STEM fields, enhance teacher training, develop improved curricula for elementary school students in math and engineering, and extend pathways for community college students to earn four-year degrees in fields such as engineering. NSF is at the forefront of efforts to ensure that basic research is transformed into products and knowledge that improve everyday life and power our innovation economy. UVA has utilized NSF funding to create improved networks between the university and industry in fields such as bioengineering to enhance innovation.

Specifically within NSF, we support the proposed increases to Research and Related Activities, which funds ground-breaking research across the NSF directorates, and Education and Human Resources, which funds critical education efforts. At a time when our nation desperately needs to enhance its technological workforce, I urge Congress to keep NSF on the doubling path proposed by President Obama and authorized by America COMPETES.

Economic Development Administration (EDA)

I urge the Committee to support flat funding for the Economic Development Administration (EDA) of \$258 million, \$38 million more than the President's request. EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. No other federal agency provides funding for local, state, and regional partners to create sustainable economic drivers, such as research parks. In 2011, EDA provided critical support for CCAM with a \$4 million grant to UVa. This federal support leverages already awarded state and institutional funds and allowed the facility to break ground last Spring.

UVa supports the requested amount of \$25 million for a new Regional Innovation Strategies program, as authorized in the America COMPETES Act. This program would help build regional innovation clusters based on the strength of local communities and regions through competitive awards for activities relating to the formation and development of regional innovation clusters, including research parks.

National Aeronautics and Space Administration (NASA)

UVa urges the Committee to include flat funding for NASA Science in FY 2013 of \$5.074 billion. Funding for NASA Science is critical to the exploration of our planet and universe that provides inspiration for future generations, the development of cutting-edge technologies, and knowledge to protect our country from hazards such as national disasters. The current cuts proposed to the Science budget would decimate key programs such as the Mars Robotic Exploration program. ***UVa also supports funding of the Space Technology program at the requested level of \$699 million, \$125 million or 21.8 percent above the FY 2012 level.*** This program catalyzes partnerships between NASA, universities, and industry to develop advanced technologies to support future exploration in areas such as communications, sensors, robotics, materials, and propulsion. In addition, ***UVa supports the requested funding for NASA Aeronautics at \$552 million,*** a decrease of \$18 million, or 3.1 percent below the FY 2012 level. Aeronautics research funding supports efforts to develop new materials, alternative fuels, and the Next Generation Air Transportation System.

As a member of the National Institute of Aerospace (NIA), a non-profit research and graduate education institute, UVa and other consortium members work with the NASA Langley Research Center to conduct leading-edge aerospace and atmospheric research, develop new technologies for the nation and help inspire the next generation of scientists and engineers.

Investing in U.S. "Innovation Security" – All Agencies

UVa recommends that Congress and the Administration consider the creation of a new program at each of the federal science agencies to support proof-of-concept research and development at universities. A new program was authorized at the National Institutes of Health (NIH), based on this concept, as part of the 2011 Small Business Innovation

Research/Small Business Technology Transfer Research Reauthorization and UVA recommends its expansion to other research agencies. It is important to note that this initiative should not be for later stage product development or for more applied pre-commercial research; rather, it should be for true proof-of-concept research or prototype development best conducted in the settings where discoveries and innovations perceived to have commercial application are first developed. Such funding should be allocated after rigorous evaluation by carefully assembled panels of local experts in translational and proof-of-concept research – this is key to scaling success to the national level. Among the criteria for awards under this initiative should be the demonstrated willingness and capability of a university in engaging project management boards comprised of industry, start-up, venture capital, technical, and business/market experts. Additionally, successful applicants for this funding should be required to prove their willingness and agility in managing translational projects stressing market-relevant milestones, in conducting rigorous oversight and management of such projects, and in their willingness to withdraw funding from projects failing to reach essential milestones so that funding can be re-allocated to projects with more potential.

UVA is devoting significant institutional resources to the process of bringing discoveries to the marketplace and has experienced considerable success. An independent audit has shown that our proof of concept funds have led to a 7:1 return on investment after five years and a 42:1 return on investment for the top ten percent of portfolio projects. We attribute UVA's success in proof-of-concept research to the now nationally well-known Coulter process, involving a very diverse review board, in-person final review sessions, milestone-driven projects, quarterly reporting that is simple yet effective in re-directing projects, the "will to kill" projects or re-direct funds if insurmountable obstacles occur, and excellent networking to the venture capital and private sector. The key differentiators of this process as we employ it at UVA versus most prior proof-of-concept funding mechanisms is the in-person diligence on the involved people and ideas, dedicated project manager, the diverse composition of the board, the urgency of quarterly reviews, and will to re-direct funds as results emerge.

Conclusion

I would like to thank the Committee, specifically Chairman Wolf, for your support of the federal science agencies in these tough budgetary times. While we understand that funding is greatly constrained, I hope that you will choose to support these strategic increases for the federal science agencies that spur innovation, strengthen our technology and economic base, and train the next generation of scientists and engineers. Further investment in discovery science and commercialization will help create the new discoveries and technologies needed for long-term economic growth.

I thank you for your consideration of these important issues.

Mr. WOLF. All right, thank you very much for your testimony.

Mr. Schiff.

Mr. SCHIFF. I have no questions.

Mr. WOLF. Great, thank you.

Mr. SKALAK. Thank you.

Mr. WOLF. Congressman Posey from Florida. Welcome.

THURSDAY, MARCH 22, 2012.

FLORIDA

WITNESS

HON. BILL POSEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. POSEY. Thank you, Mr. Chairman and ranking member, I appreciate the opportunity to come before you and respectfully urge you to restore and preserve NASA's core mission, which is human space flight.

Our investments in NASA's Human Space Flight Program are a matter of economic and national security. We were reminded of this just a few weeks ago when the director of Defense Intelligence Agency, General Burgess, highlighted the risk posed by China through their investments in human space flight. In testifying before the Senate Armed Services Committee he said, "the space program, including ostensible civil projects, supports China's growing ability to deny or degrade the space assets of potential adversaries and enhances China's conventional military capabilities."

He went on to add that China has successfully tested a direct ascent anti-satellite weapon, ASAT as we call it, and is developing jammers and directed energy weapons for ASAT missions.

A prerequisite for ASAT attacks, China's ability to track and identify satellites, is enhanced by technologies from China's manned and lunar programs as well as technologies and methods developed to detect and track space debris.

You may recall the day after the presidential debate in Florida when a couple of the candidates joked about our activities in space. They had to literally turn on the motors—the rockets on the space station and move it out of the way the day after they were joking about it to avoid flying space debris, which as you know and I know and most of the people in this room know came from China taking target practice on its own satellites.

China's military advances are a direct result of China's manned and lunar space program.

And Mr. Chairman and Mr. Schiff, I don't want to beat a dead horse, but you know, just again I have to state on the record the fact that space is the world's military high ground, at least the free world's, it is to the United States in the free world what the Golan Heights is to Israel, it is potentially the difference between life and death of this country and free countries. And China is now on track to launch 100 satellites between 2011 and 2015. On average China will complete about 20 missions a year by 2015. Last year China surpassed the United States with 19 satellite missions. We only had 18. And China still is only second to Russia who launched 36. So we are third in the satellite launching business right now too.

For 2012 China is planning 30 launches, including their first manned space rendezvous and docking between June and August.

According to *China Daily* in 2011 China generated \$15.8 billion—\$15.8 billion in operating revenue from launching satellites alone. That is an amount just shy of our entire NASA budget. And that is what you can do without a lot of red tape and government interference.

Abdicating space leadership will compromise our economic competitiveness. It can't be overstated how our investments in human space flight have helped us economically, on the battlefield, and contributed to the endless products that we have improved, and improves every aspect of your daily lives.

As one planetary scientist who supervised the missions of the Mars Rovers and now chairs the NASA Advisory Council stated in a 2009 interview, "I am a robot guy, that is what I have spent most of my career doing, but I am actually a very strong supporter of human space flight. I believe that the most successful exploration is going to be carried out by humans, not by robots."

I appreciate very much your leadership and giving me the opportunity to go on record with you.

[The information follows:]

Congressman Bill Posey
Testimony before the Appropriations Subcommittee on Commerce, Justice, Science,
Related Agencies
March 22, 2012

Chairman Wolf, ranking member Fattah and Members of the Committee, I appreciate the opportunity to come before you today to respectfully urge you to restore and preserve NASA's core mission: human space flight.

Our investments in NASA's human space flight program are a matter of economic and national security.

We were starkly reminded of this just a few weeks ago when the Director of the Defense Intelligence Agency, General Burgess, highlighted the risks posed by China through their investments in human space flight. Testifying before the Senate Armed Services Committee he said of China, "[Their] space program, including ostensible civil projects, supports China's growing ability to deny or degrade the space assets of potential adversaries and enhance China's conventional military capabilities." He went on to add, "China's successfully tested a direct ascent anti-satellite weapon (ASAT) missile and is developing jammers and directed-energy weapons for ASAT missions. A prerequisite for ASAT attacks, China's ability to track and identify satellites is enhanced by technologies from China's manned and lunar programs as well as technologies and methods developed to detect and track space debris." Let me repeat that. China's military advances are a direct result of "China's manned and lunar program."

We were reminded of this not long ago when debris from Chinese satellite target practice came critically close to the International Space Station, nearly jeopardizing the station and its crew.

Space is the world's military high ground. It is to the United States and the free world, what the Golan Heights is to Israel. China understands this and I hope that America still believes this.

China is now on track to launch "100 rockets, 100 satellites" from 2011 to 2015. On average, China will complete about 20 launch missions each year by 2015. Last year, China surpassed the United States with 19 satellite launches to our 18 launches and is only No. 2 in terms of launches to Russia's 36.

For 2012, China is planning 30 launches including China's first manned space rendezvous and docking with China's space laboratory Tiangong-1 between June and August. According to China Daily, in 2011 China generated \$15.8 billion in operating revenue from launching satellites alone - an amount just shy of the entire NASA budget.

Abdicating space leadership will compromise our economic competitiveness, as our investment in human space flight is a key driver of advanced technologies with commercial applications. We cannot afford to give this up.

As you move forward with the Commerce, Justice, Science Appropriations bill, I look forward to working with you to prioritize funding for human space flight within the overall NASA budget – Orion multi-purpose crew vehicle, 21st Century Launch facility upgrades at Kennedy, SLS, and sufficient funding to advance commercial cargo and crew. I am submitting additional information on each of these. Chairman Wolf, I appreciate your personal interest in these key priorities.

Today, we are in the untenable position of having no domestic means of putting a U.S. astronaut into space – yet China and Russia both have that capability.

Our human space flight program is suffering from a lack of clear vision and mission from the Administration and as a result the U.S. is on the cusp of ceding its leadership in space to our adversaries. This is not in our national security interest nor is it in our economic security interests.

It cannot be overstated how our investments in human space flight have helped us maintain our competitive edge economically, provided a significant advantage on the battlefield, and contributed to endless commercial products that have improved every aspect of our daily lives and overall economy. The reality is that our lives depend on space. If you use a cell phone, Blackberry, credit card, GPS or depend on an accurate weather report for growing the food that we eat – you rely on space.

In Fiscal Year 2010, NASA reached its high water mark budget of \$18.7 billion. The FY 2012 NASA budget is \$17.8 billion. And, for FY 2013 the Administration has proposed further reducing NASA's budget to a level of \$17.71 billion – more than a billion dollars less than the FY10 budget.

The time to refocus NASA on its primary human space flight mission is now. The Appropriations Committee has the authority to help NASA set human space flight as a priority. As one planetary scientist who supervised the missions of Mars rovers Spirit and Opportunity and now chairs the NASA Advisory Council put it in an interview in 2009,

“...I’m a robot guy, that’s what I have spent most of my career doing, but I’m actually a very strong supporter of human spaceflight. I believe that the most successful exploration is going to be carried out by humans...not by robots.”

Thank you for your leadership, and for giving me the opportunity to address the committee regarding human space flight—a matter of great economic and national security importance.

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Mr. WOLF. Thank you, Mr. Posey, I appreciate your testimony and I appreciate your support for the NASA budget too.

Mr. Schiff.

Mr. SCHIFF. Thanks, Mr. Chairman.

The only comment I have, and thank you for your testimony, is I think both the manned space flight and the robotic exploration are very complimentary and sometimes robotic missions are a very helpful precursor to the human exploration and sometimes they are able to go places where we can't get humans to yet, but very much appreciate your testimony and your thoughts on the subject and just wanted to add my own.

Mr. POSEY. Yes, and I sure hope I didn't leave the impression I don't favor robotic exploration, because I really do. I am an enthusiastic supporter. I just don't want us to lose our human space flight focus and mission too.

Mr. SCHIFF. No, I hear you. Thank you.

Mr. POSEY. Thank you.

Mr. SCHIFF. Thank you, Mr. Chairman.

Mr. WOLF. Thank you, Mr. Posey.

We have a series of votes coming up so we are going to try to—I will stay, I have about three minutes left.

Dr. Debra Elmegreen, American Astronomical Society, and then I don't know how long the break will be. Yeah, okay. Well, I will come back as soon as we can.

THURSDAY, MARCH 22, 2012.

AMERICAN ASTRONOMICAL SOCIETY

WITNESS

DR. DEBRA ELMEGREEN, PRESIDENT, AMERICAN ASTRONOMICAL SOCIETY

Ms. ELMEGREEN. Chairman Wolf and Representative Schiff, thank you for the opportunity to comment on astronomy in the fiscal year 2013 budget.

I am Debra Elmegreen, President of the American Astronomical Society and Maria Mitchell Professor of Astronomy at Vassar College.

The AAS, the world's largest organization for professional astronomers supports the NSF and NASA's astronomy budget request while noting concern for NASA's planetary science division.

The American Astronomical Society lauds the federal commitment to STEM research.

For decades the U.S. has been preeminent in research of the sun, solar system, and universe. Healthy research and analysis in technology development budgets in NASA and NSF plus a balance among small, medium, and large projects as recommended in the heliophysics planetary and astronomy and astrophysics decadal surveys are critical to sustain a vibrant astronomical community that fuels our Nation's economic, scientific, and technological well being.

Support for astronomy provides inspiration to the public and America's next scientists, engineers, and educators—from Nobel prize winning Hubble Space telescope discoveries of the universe's

acceleration, detection of thousands of planets orbiting other stars, the Mars Science Laboratory robotic mission, and the solar dynamic observatory studying the sun's variability.

We thank Congress and the Administration for funding NASA's James Webb Space Telescope, a 2001 top decadal priority. With a reach 100 times greater than Hubble, JWST will revolutionize our understanding of newly forming planets, black holes, and the first stars in galaxies less than a billion years after the big bang.

The AAS is deeply concerned that the significant cuts to NASA's planetary science division will preclude development of large projects in the planetary sciences decadal survey, curtail planned international collaborations, and threaten national leadership in planetary research at all levels.

Some key science goals can only be addressed through large missions as underscored by Hubble's paradigm shifting discoveries. Future Mars missions are on hold and the Wide Field Infrared Telescope is delayed.

We urge Congress to support the balance of NASA activities by ensuring an affordable progression of large missions across the planetary science, astrophysics, and heliophysics divisions.

We stress the importance of a regular launch cadence of the high priority and highly successful medium class planetary discovery in new frontiers missions in astrophysics and heliophysics explorers which are vital to development knowledge and new mission concepts and train young scientists and instrument builders.

We appreciate support in NASA's technology program for the critical restart production of Plutonium-238 which is the only energy source to powering deep space missions such as Cassini Saturn.

We support the increases to NSF's astronomical sciences and related programs while noting that new starts on astronomy decadal priorities will be difficult with the current budget.

We appreciate funds for planning the top priority large and optical survey telescope which will rapidly scan the sky and detect near-Earth asteroids, image billions of stars and galaxies, and map the universe's acceleration. Its nightly data rate of 10,000 gigabytes will drive innovations in high-tech data mining.

A strong major research equipment and facilities construction line is critical to enable projects such as LSST to follow previous top projects, probing disforming planets around sun-like stars and gas in distant young galaxies, and the world's largest advanced technology solar telescope to study magnetic fields that can impact earth and orbiting spacecraft.

A mid scale innovations program augmentation is also important to enable highly ranked projects such as the revolutionary CKAT telescope that will complement surveys of dusty regions in protostars, stars and galaxies.

Publicly funded programs help us develop and operate world-class facilities, support research, and enhance our understanding of the universe, enable us to educate and inspire students and fellow citizens, and maintain U.S. leadership in science, engineering, and technology.

We thank you and your committee for your bipartisan leadership and your strong support of science. Thank you.
[The information follows:]

**Testimony of
Dr. Debra M. Elmegreen
President of the American Astronomical Society
Before the
House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
On
Astronomy and Astrophysics in the FY 2012 Budget
March 22, 2012**

Thank you for the opportunity to comment on astronomy and astrophysics in the fiscal year 2013 budget from my perspective as President of the American Astronomical Society (AAS).

The AAS supports the NSF request of \$7,373.1 million and the Division of Astronomical Sciences request of \$244.55 million within the Directorate for Mathematical and Physical Sciences. AAS also supports other areas of NSF conducting astronomical research, such as the Division of Antarctic Sciences request of \$75.8 million within the Office of Polar Programs and the Division of Atmospheric and Geospace Science request of \$264.06 million within the Directorate for Geosciences.

The AAS supports the NASA budget request of \$17,711.4 million. Within the NASA Science Mission Directorate, the AAS supports the Astrophysics Division request of \$659.4 million, the James Webb Space Telescope request of \$627.6 million, the Heliophysics Division request of \$647.0 million, and the Planetary Science Division Technology Program request of \$132.9 million that includes support for the critical restart of production of plutonium-238, necessary for missions that explore the remote parts of our solar system.

The AAS is deeply concerned about the cuts to NASA's Planetary Science Division and insufficient funds for medium and small-scale missions in the Astrophysics Explorer Program, the Heliophysics Explorer Program and the equivalent explorer programs in Planetary Science called New Frontiers and Discovery. The AAS asks for funding the NASA Science Mission Directorate at the same level as FY2012 at \$5,073.7 million to support the science and missions in the decadal surveys and maintain a commitment to the astronomical science enterprise.

Chairman Frank R. Wolf and ranking member Rep. Chaka Fattah, thank you for your bipartisan leadership in ensuring the long-term success of the United States by supporting advanced research in science, engineering and technology.

The American Astronomical Society is the preeminent membership organization for research astronomers in North America. With nearly 7,100 members overall, and more than 6,200 in the United States, the AAS serves its community by publishing the most important research journals in our field, organizing the largest astronomy meetings in the world, and providing career development, education and outreach activities. I am honored to serve the Society as its President and grateful to be able to provide testimony to the Commerce, Justice and Science Appropriations Subcommittee on behalf of the American Astronomical Society and the community it represents.

Your support has made the United States a world leader in astronomy and astrophysics. The 2011 Nobel Prize in Physics was awarded to three U.S. scientists, Saul Perlmutter, Brian P. Schmidt, and Adam G. Riess for the discovery of the accelerating expansion of the Universe through observations of distant supernovae. Since the inception of the Nobel Prize, 14 of the 18 astronomy-related Nobel Prize Laureates are from the United States.

The National Science Foundation (NSF) and the National Aeronautics & Space Administration (NASA) are agencies under the jurisdiction of this appropriations subcommittee that deserve credit for their role in supporting Noble prize-winning research through ground-based and space-based facilities such as the National Optical Astronomy Observatory and the Hubble Space Telescope. Although the Department of Energy (DOE) Office of Science is not in the jurisdiction of this subcommittee, it also deserves recognition for supporting Nobel prize-winning research in cosmology.

Your support of the James Webb Space Telescope (JWST) is a testament to your foresight and understanding of the United States being a leader in advanced scientific research. We thank you for your support of the new baseline and ensuring diligence of the budget for the mission. JWST has made great progress in 2011 and continues to do so in 2012, meeting milestones within cost and schedule of the new baseline. JWST is the top-ranked mission of the 2001 decadal survey and successor to the Hubble Space Telescope. JWST is 100 times more powerful than Hubble Space Telescope and will revolutionize our understanding of the birth of the Universe, reveal much about the first stars and galaxies, and play a crucial role in the quest to find life on distant planets.

Discovering the potential habitability of Mars, our neighboring planet, may be possible in the next year. The NASA Mars Science Laboratory (MSL), the largest rover yet built to cruise the Martian surface, will land on the red planet in August of this year. Mars Science Laboratory is a rover that will assess whether Mars ever was, or is still today, an environment able to support microbial life and help plan for a human mission to Mars.

Since 1964, the astronomical community has worked with the National Research Council of the National Academy of Sciences to produce decadal surveys to plan for the future of our discipline. We recognize that discovering the secrets of the Universe requires a coordinated effort to maximize the availability of our resources and increase the benefits of astronomical research for the scientific discipline and for the nation.

The astronomical decadal surveys represent the consensus of the scientific communities' review of the current state of understanding of the science and have a prioritized list of projects, programs and missions to address key science goals in the next decade. The surveys provide policy makers with a prioritized set of initiatives for federal support. The current decadal surveys are the New Worlds, New Horizons in Astronomy & Astrophysics (2010) and Visions and Voyages in Planetary Sciences (2011). The heliophysics community is scheduled to release its new decadal survey on April 30, 2012. These surveys are based on input from thousands of astronomers, an independent assessment of costs and risks, and budgetary constraints. The recommended programs are a balance of small, medium, and large projects, and build on

international, private, and inter-agency partnerships. This well-respected survey process has helped to make the United States a world leader in astronomy.

All of the astronomical decadal surveys recommend preserving healthy funding for research and analysis programs and for technology development as the core of every program. In tight fiscal times, we commend the Administration for recognizing this in the requested level of funding. However, research and analysis is one piece of a balanced program, which also requires ongoing support for medium and large activities.

JWST and MSL are large-scale science paradigm-changing missions. Large-scale missions are essential for balance to the discipline as they push the boundary of what is known and bring discoveries of new science. There are key scientific goals that can only be addressed through investment in large missions. However, future large-scale missions to Mars are now on hold and development on the highest priority large-scale space-based astronomy mission, the Wide-Field Infrared Survey Telescope (WFIRST), is delayed.

Augmenting medium and small explorer missions is the second highest priority of the astronomical decadal surveys. The advantages of explorers are that they are cost capped, competed on the best science return, and on a regular launch cadence. Explorer programs and experiments offer excellent return for the investment and are essential to the capability for responding flexibly to new scientific opportunities, for demonstrating novel techniques and instruments, and for training the experimental scientists, engineers, and managers who will execute the major missions and observatories of tomorrow.

For example, the COsmic Background Explorer (COBE) was an explorer-class satellite. Two of COBE's principal investigators, John C. Mather and George F. Smoot, were awarded the Nobel Prize in Physics for 2006 for their discovery of the blackbody form and anisotropy of the cosmic microwave background radiation. Other explorer-class missions include the Mars Pathfinder, which investigated the structure of the Martian atmosphere and the surface meteorology and surface geology of Mars, and the Kepler mission, which has discovered 2,321 planets orbiting 1,790 host stars.

Funding for the explorer programs in both Astrophysics and Heliophysics is proposed to decrease. Explorer missions are likely to be the backbone of the next heliophysics decadal survey since that community has the foreknowledge of budget restrictions for large-scale missions. The equivalent planetary explorer missions are called New Frontiers and Discovery. Although these line items are proposed to increase, insufficient funds will delay the regular cadence for launch.

The AAS calls upon Congress and the Administration to support the balance of NASA activities by ensuring a healthy, affordable progression of large and medium scale missions across all three NASA's space science divisions: Astrophysics, Planetary Science, and Heliophysics Divisions.

The AAS continues to support restarting domestic production of Plutonium-238. Pu-238 is of critical importance to the development of planetary science missions. There is no viable alternative to power deep space missions, as solar panels cannot produce enough electricity far

from the Sun. There are at least three National Academy reports that recommend restarting domestic production of Pu-238 immediately. The finding of the latest report, “NASA Space Technology Roadmaps and Priorities: Restoring NASA’s Technological Edge and Paving the Way for a New Era in Space,” (2012) is consistent with findings of previous National Research Council reports on the subject of plutonium-238 (2009, 2011)¹: “Restarting the fuel supply is urgently needed...if the funds to restart the fuel supply are not authorized and appropriated, it will be impossible for the United States to conduct certain planned, critical deep-space missions after this decade.”

The National Science Foundation (NSF) supports astronomy through the Division of Astronomical Sciences, the Division of Atmospheric and Geospace Sciences, and the Office of Polar Programs, and the AAS applauds their budget increases. However, we note that new starts on decadal priorities in astronomy will be difficult with the current budget.

We appreciate pre-construction planning for the unique Large Synoptic Survey Telescope (LSST), the highest priority ground-based astronomy decadal recommendation. The LSST is a large field-of-view 8-meter class telescope. It will revolutionize our exploration of the sky by surveying half the sky every few days. The rapid response system will alert astronomers to transient events within one minute for quick follow-up observations. The 10,000 Gigabytes of data acquired each night will require development of a very accessible database and will drive innovations in high-tech data mining, an NSF priority for big science. LSST will be applied to everything from Near-Earth asteroids (a Congressionally mandated study) to observations of billions of galaxies and a mapping of our Galaxy’s stars, to supernovae and mapping of large-scale matter distributions that will help our understanding of cosmic acceleration and put constraints on dark energy and dark matter. It will be a facility that is unique in the world, and the U.S. leadership in this endeavor will emphasize some of the U.S. optical astronomy technical strengths. Keeping a strong Major Research Equipment and Facilities Construction (MREFC) line will enable projects such as LSST to proceed.

The AAS supports NSF MREFC funding to construct the world’s largest solar telescope, the Advanced Technology Solar Telescope (ATST). ATST will provide unprecedented data on the Sun’s magnetic fields, which can impact Earth and orbiting spacecraft. We also support operations costs for the Atacama Large Millimeter Array (ALMA). This unique radio telescope will observe disks forming planets around Sun-like stars, and gas in distant young galaxies. These projects are top-ranked in previous decadal surveys.

The second highest priority for ground-based astronomy is the Mid-Scale Innovations Program, which recognizes the need for smaller investments in instrumentation and infrastructure that can respond quickly to new scientific priorities in an innovative manner. The recommended Mid-Scale Innovations Program would allow a competed program in NSF for medium-cost projects. The top-ranked medium project is CCAT, a 25-meter sub-millimeter telescope that will complement ALMA by surveying regions forming planets and galaxies. Without an increase in the AST division’s funding level, or a reprogramming of existing AST funds, or an NSF-wide

¹ Radioisotope Power Systems: An Imperative for Maintaining U.S. Leadership in Space Exploration (2009) and Visions and Voyages for Planetary Science in the Decade 2013 - 2022 (2011)

mid-scale competed program, the recommendation for an augmented mid-scale program within astronomy cannot be implemented.

The Division of Astronomical Sciences (AST) is currently undergoing a Portfolio Review. Over half of AST's budget is used to support current operations and future development of large multi-user astronomy facilities. New major facilities will come online, with strong increasing pressure on the budget. The goal of the Portfolio Review is to recommend to AST how support for all existing facilities, programs, and activities should be prioritized and interleaved with new initiatives recommended by the NWNH.

The American Astronomical Society lauds the commitment to STEM research in the budget. For decades, the U.S. has been preeminent in astronomical research on the Sun, Solar System, and the rest of the Universe. It is critical to maintain a balance among large, medium, and small projects, as recommended in the heliophysics, planetary, and astronomy and astrophysics decadal surveys, in order to sustain a vibrant astronomical research community that is essential to our nation's economic, scientific, and technological future.

We recognize that these are austere times. However, the economy is threatened to be more austere from cuts by sequestration. Science and innovation are economic drivers for the nation. Sequestration would make cuts across all agencies, including NASA and NSF. We are encouraged that you are leading the nation in funding scientific research and innovation by your recent public support for NASA planetary science.

Support for astronomy provides inspiration to the public and to the next generation of America's scientists, engineers, and educators, from Nobel prize-winning Hubble Space Telescope discoveries of supernovae that revealed the acceleration of the Universe, to the Kepler mission detection of thousands of planets orbiting other stars, to the Mars Science Laboratory robotic mission.

AAS members are committed to enhancing our understanding of the universe. Publicly funded programs help develop and operate world-class facilities, support research, enable us to educate our students and fellow citizens, and maintain U.S. leadership in science, engineering and technology. Thank you.

Mr. WOLF. All right, thank you very much for your great testimony, I appreciate it.

Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman.

Ms. ELMEGREEN. Thank you.

Mr. WOLF. I think we are down to five minutes. We are going to recess and hopefully come back. I don't think it is to be that long. You will be able to see, but hopefully we will be back. But we will recess and be back shortly.

(Recess)

Mr. WOLF. And we are going to have another vote, so we are going to—the faster we can because we are going to be bouncing back and forth.

Go ahead, Doctor, your full statement will appear in the record.

THURSDAY, MARCH 22, 2012.

AMERICAN PSYCHOLOGICAL ASSOCIATION

WITNESS

**DR. STEVEN J. BRECKLER, EXECUTIVE DIRECTOR FOR SCIENCE,
AMERICAN PSYCHOLOGICAL ASSOCIATION**

Mr. BRECKLER. Thank you, Mr. Chairman.

My name is Steve Breckler, I am Executive Director for Science at the American Psychological Association.

APA is a scientific and professional organization of more than 154,000 psychologists and affiliates.

Psychologists across the Nation play vital roles in supporting the missions of the National Science Foundation, the National Aeronautics and Space Administration, and the Department of Justice.

As scientists and as practitioners psychologists support the creation, communication, application of knowledge to benefit society and to improve people's lives.

I would like to address the proposed fiscal year 2013 research budgets for NSF, NASA, and DOJ, but first I want to thank you on behalf of our science community for your strong and unwavering championing of NSF in particular during a very difficult appropriations process in fiscal year 2012. Your stewardship and commitment were extraordinary.

APA recommends that the subcommittee support the President's fiscal year 2013 request of \$7.37 billion for NSF. As you know NSF is the only federal agency whose primary mission is to support basic research in education in mathematics, engineering, and science, including the behavioral and social sciences.

NSF's investment in basic research across these disciplines has produced astonishing scientific and technological progress ensuring continued economic growth, improvements in the design, implementation, and evaluation of public education, strengthening national security, and the creation of new knowledge.

We applaud the Administration and Congress for your continued commitment for NSF in fiscal year 2013.

Science is needed to address critical national challenges and many of those challenges require a better understanding of human behavior. This is why APA supports a strong investment in psycho-

logical research across the research in education directorates of NSF.

The America COMPETES Act specifically noted the importance of funding the social sciences and this must be reflected in an increase for NSF's behavioral and social science research portfolio that is comparable to proposed increases for other sciences supported by NSF.

APA recommends funding NASA at the President's fiscal year 2013 request of \$17.7 billion. This will allow for continued growth of the human research program and the expansion of human factors research within the aviation safety and integrated systems research programs.

Psychological research has played a critical role in the evolution of the human research program within the human exploration and operations mission directorate and the aviation safety and integrated systems research programs of the aeronautics research mission directorate. These research programs have produced knowledge crucial to mission success and for improving both the safety and the efficiency of our current and future aerospace systems.

Longer space missions place increasing demands on psychological health and performance in space. Psychological scientists are meeting these challenges head on by extending the information management capacity of individuals through computational systems, systems that can sense when the user is overloaded or determine what needs to be done next and to automatically adjust. Such systems improve human decision making and allow people to function in extremely challenging environments such as space flight.

The need for science-based practical principles to enhance systems is deserving of a continued investment in research.

And APA recommends the subcommittee include adequate funding for the Juvenile Justice and Delinquency Prevention Act or JJDP. This includes \$80 million for the Title II State Formula Grants Program, \$65 million for the Title V Delinquency Prevention Program, and \$30 million for the Juvenile Accountability Block Grant.

Federal investments in state juvenile justice efforts are essential for youth and community safety, yet appropriations for JJDP programs have declined by more than 50 percent and are now at their lowest levels in more than ten years. Funding must be sufficient to ensure that states can comply with federal mandates and invest in cost effective reforms.

Mr. Chairman, the restoration of the Title II Grant for Virginia would constitute the only funds in your state to make sure that juveniles are protected in the justice system in compliance with JJDP.

Thank you.

[The information follows:]

Written Testimony of the American Psychological Association

Steven J. Breckler, PhD, Executive Director for Science

Submitted March 14, 2012 to the
United States House of Representatives Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
The Honorable Frank R. Wolf, Chairman

Fiscal Year 2013 Appropriations for the National Science Foundation, National Aeronautics and Space Administration, and Department of Justice

The American Psychological Association (APA), a scientific and professional organization of more than 154,000 psychologists and affiliates, is pleased to submit testimony for the record. Because our behavioral scientists play vital roles within the **National Science Foundation (NSF), National Aeronautics and Space Administration (NASA), and Department of Justice (DOJ)**, APA will address the proposed FY13 research budgets for each of these agencies. We also thank the Chairman and this Subcommittee for your unwavering commitment to NSF in particular during the FY12 appropriations process.

- **APA recommends that the Subcommittee support the President's FY13 request of \$7.37 billion for NSF.**
- **APA recommends that the Subcommittee support the President's FY13 request of \$17.7 billion for NASA, which includes a 4.4% increase for the Human Research Program, a 1.3% increase for the Aviation Safety Program, and level funding for the Integrated Systems Research Program compared to FY12.**
- **APA recommends that the Subcommittee include adequate funding for DOJ's Juvenile Justice and Delinquency Prevention Act (JJDP) programs, including \$80 million for the Title II State Formula Grants Program, \$65 million for the Title V Delinquency Prevention Program, and \$30 million for the Juvenile Accountability Block Grant.**

National Science Foundation

Core Psychological Research at NSF

NSF is the only federal agency whose primary mission is to support basic research and education in math, engineering and science – including the *behavioral and social sciences*. NSF's investment in basic research across these disciplines has allowed for extraordinary scientific and technological progress, ensuring continued economic growth, improvements in the design, implementation and evaluation of public education, strengthened national security, and the generation of cutting edge new knowledge.

APA supports the Administration request of \$7.37 billion for NSF in FY13. This is consistent with Administration and Congressional plans to invest substantially in federal science agencies with the capacity to stimulate global competitiveness and innovation.

Within the overall NSF budget, APA supports a strong investment in psychological research throughout the research and education directorates foundation-wide, in order to address critical national challenges with an understanding of human behavior at their core. The America COMPETES Act specifically noted the importance of funding the social sciences and this must be reflected in an increase for NSF's behavioral and social science research portfolio comparable to proposed increases for other sciences at NSF.

Although psychologists receive funding from diverse programs within NSF, most core psychological research is supported by the **Social, Behavioral and Economic Sciences Directorate (SBE)**, with its focus on the variables that determine human behavior across all ages, affect interactions among individuals and groups, and decide how social and economic systems develop and change. In addition to core behavioral research in cognitive neuroscience, human cognition and perception, learning and development, and social psychology, SBE will continue to invest funds to participate in NSF's Cross Directorate programs such as SEES, CIF21, the Comprehensive National Cybersecurity Initiative, and INSPIRE to enhance interdisciplinary research and training.

The **Biological Sciences Directorate** at NSF also provides support for research psychologists who ask questions about the very principles and mechanisms that govern life at the level of the genome and cell, or at the level of a whole individual, family or species. In previous testimony, APA has expressed concern about diminishing support for key behavioral research programs within this Directorate, most notably those focused on learning and cognition. NSF recognizes the importance of learning and cognition to many branches of science already, and supports Foundation-wide initiatives and individual research projects that seek to understand the neural or genetic mechanisms by which learning occurs, use learning as an assay for the effects of environmental change on a biological system, construct and evaluate artificial learning systems, conceptualize the role of learning in biodiversity and evolution and apply learning principles to education and workforce challenges.

However, we hope that NSF's focus on transformational science will continue to recognize that behavior links everything from molecular biology to ecology, because in a sense, behavior is the ultimate genetic phenotype. Animals behave to eat, defend and reproduce, so an understanding of how the molecular processes within and beyond the central nervous system lead to behavior and how behavior serves an adaptive function seems essential to integrating biology across levels. Within the field of animal behavior and cognition there are clear demonstrations that this integration is occurring. For example, individual differences in gene expression can now be linked to individual differences in memory, attention, decision making, individual adaptation and fitness. The opportunity for understanding individual differences is unprecedented.

National Aeronautics and Space Administration

Behavioral Research is Critical for Space Exploration and Aviation Safety

Psychological research has played a critical role in the evolution of the Human Research Program within the Human Exploration and Operations Mission Directorate and the Aviation

Safety and Integrated Systems Research Programs of the Aeronautics Research Mission Directorate. These research programs have provided knowledge that has been crucial to mission success and for improving both the safety and efficiency of our current and future aerospace systems. Longer space missions place increasing demands on psychological health and performance in space. Psychological scientists are meeting these challenges head on by extending the information management capacity of individuals through computational systems - systems that can sense when the user is overloaded, or determine what needs to be done next and automatically adapt. Such systems improve human decision-making and allow humans to function in extremely challenging environments, such as space flight. The need for science-based practical principles to enhance systems, interfaces, team dynamics, decision-making, training, and psychological health continues to grow, as does the need for continued investment in such research.

In the NASA Authorization Act of 2010, Congress authorized \$19.96 billion for FY13. The actual allocation for FY13 means a shortfall in the authorized funding by over \$2.25 billion. However, in recognition of constraints on the federal budget, APA supports the President's FY13 request of 17.7 billion which includes a 4.4% increase for the Human Research Program, a 1.25% increase for the Aviation Safety Program, and level funding for the Integrated Systems Research Program compared to FY12.

Human Research Program

The incremental increases in funding within this program are allowing NASA to investigate and mitigate potential problems in behavioral health and performance associated with extended spaceflight. The Behavioral Health and Performance Program will allow for an evaluation of a variety of scenarios critical to mission success such as: the risk of performance errors due to fatigue resulting from sleep loss, circadian desynchronization, extended wakefulness and work overload; the risk of performance decrements due to inadequate cooperation, coordination, communication and psychosocial adaptation within a team; and the risk of adverse behavioral conditions and psychiatric disorders. The Space Human Factors and Habitability Program advances human-centered design of interfaces to enhance crew performance; measures that human-system performance; and fosters the design and evaluation of improved habitation in space. The overall success of these programs will require a broad perspective, multiple convergent research strategies, and a variety of settings, including space itself.

Aviation Safety and Integrated Systems Research Programs

The Aeronautics Research Mission Directorate has long been a cornerstone of NASA. APA applauds NASA AMES Research Center for its historic attention to human factors research in both the Aviation Safety and Integrated Systems Research Programs. Human factors research plays a crucial role in mitigating the adverse consequences of flight operations in an increasingly complex National Airspace System. The implementation of NextGen with new technological requirements in avionics, software, automation, and operations will require unprecedented attention to human-centered design. At the same time the Integrated Systems Research Program has been tasked with developing and

validating high fidelity human-in-the-loop simulations to ensure separation, communication, human systems integration and certification standards for Unmanned Aerial Systems (UAS).

Department of Justice

Juvenile Justice and Delinquency Prevention Act Funding

Federal investments in state juvenile justice efforts are essential for youth and community safety, yet appropriations for JJDPA programs have declined by more than 50 percent to their lowest levels in more than ten years. Funding levels must be sufficient to ensure that states can comply with federal mandates and invest in cost-effective reforms. APA therefore asks that the Subcommittee include the following funding levels for key juvenile justice programs in FY13:

\$80 million for the JJDPA Title II State Formula Grants Program

The JJDPA provides critical federal funding to help states prevent delinquency and comply with federal mandates to protect children from the dangers of placement in adult jails and lockups, keep status offenders and non-delinquent children out of locked custody, and address the disproportionate representation of minority youth in the justice system. An estimated 20 percent of states are now out of compliance with the JJDPA. The requested funding level represents the true minimum costs of the Title II mandates and would help make up for deep cuts (55% over ten years) in funding to the states.

\$65 million for the JJDPA Title V Delinquency Prevention Program with no earmarks

Rigorous research shows that evidence-based prevention programs can reduce youth crime rates by as much as 50% while saving taxpayers money by reducing costs to the justice system. Title V is the only federal program that provides delinquency prevention funding at the local level to reach youth at risk and help keep them out of the justice system.

\$30 million for Juvenile Accountability Block Grant (JABG) Program

JABG is used by states and localities to reduce juvenile offending by providing judges and other juvenile justice officials with developmentally appropriate options to hold youth accountable and prevent them from re-offending. This request is consistent with amounts appropriated by Congress for FY12.

For more information, please contact:

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Mr. WOLF. Thank you very much. I have no questions.

Mr. BRECKLER. Thank you.

Mr. WOLF. Thank you, I appreciate it. Judith Bond, Federation of American Societies for Experimental Biology. Ms. Bond, welcome.

THURSDAY, MARCH 22, 2012.

**FEDERATION OF AMERICAN SOCIETIES FOR
EXPERIMENTAL BIOLOGY**

WITNESS

JUDITH S. BOND, PHD, PRESIDENT-ELECT, FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY

Ms. BOND. Chairman Wolf, members of the subcommittee, thank you for the opportunity to testify.

My name is Judith Bond, for the last 20 years I have been professor and chair of biochemistry and molecular biology at Penn State University's College of Medicine in Hershey, Pennsylvania.

I am here today in my role as the president-elect of the Federation of American Societies for Experimental Biology, FASEB, an organization representing 26 biomedical research societies with a combined membership of over 100,000 individual scientists and engineers.

On their behalf I request the fiscal year 2013 budget of at least \$7.3 billion for the NSF. This funding level matches the recommendation made by the President's fiscal year 2013 budget request.

Our broader goal is to support sustainable growth and funding trajectory requested of the American COMPETES reauthorization.

At a time when the U.S. faces many challenges scientific and technological advances are key to keeping our Nation globally competitive and protecting our standard of living.

The broad portfolio of fundamental research supported by NSF expands the frontiers of knowledge, fuels future innovation, and creates a well-developed research infrastructure capable of supporting groundbreaking projects.

NSF research is a primary source of scientific breakthroughs and the agency makes the kind of investment that no individual or private business could afford to make. If the public did not support it it would not be done.

Failure to build on prior investments in NSF would slow the pace of discovery, sacrifice our position as the global leader in innovation, and discourage young scientists and engineers.

Strong sustained NSF appropriations enable the research and training crucial to the future success and prosperity of the United States.

Research in the life sciences is tremendously enriched by discoveries in physics, mathematics, chemistry, and engineering, fields supported by NSF.

NSF sponsors 40 percent of the federally-funded basic academic research in the physical sciences, it also serves as the primary funding agency for research and discipline such as computer science, non-health related biology, and social sciences.

I am proud to say that my first source of external funding was in an NSF grant, it started me off.

NSF grants awarded to projects of the highest quality and greatest significance in all 50 states are selected using rigorous merit review processes that evaluates proposals on both scientific and societal value.

For example, one recent NSF project utilized mathematics in computer modeling to improve structure characteristics of stents used to treat coronary artery disease.

In addition to the innovative research NSF supports education and training initiatives to insure the development of a workforce well prepared to advance knowledge and achieve new breakthroughs in science and engineering.

As someone who has mentored over 40 researchers and strongly believes in the importance of training the next generation of scientists I deeply value NSF's critical mission to strengthen science, technology, engineering, and mathematics education nationwide.

Thank you for the opportunity to offer FASEB's support for NSF.
[The information follows:]



March 22, 2012

Federation of American Societies for Experimental Biology
9650 Rockville Pike, Bethesda, MD 20814-3998 • www.FASEB.org

Testimony of
Judith S. Bond, PhD, President-Elect
Federation of American Societies for Experimental Biology
 On
FY 2013 Appropriations for the National Science Foundation
 Before the
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Congressman Frank Wolf, Chair
Congressman Chaka Fattah, Ranking Member

Chairman Wolf, Mr. Fattah, and members of the Subcommittee:

Thank you for the opportunity to testify today. My name is Judith Bond. I am President-Elect of the Federation of American Societies for Experimental Biology (FASEB). My organization represents 26 biomedical research societies with a combined membership of over 100,000 individual scientists and engineers, making it the largest life science organization in the United States. **On their behalf, I request a fiscal year (FY) 2013 budget of at least \$7.3 billion for the National Science Foundation (NSF).** This funding level matches the recommendation made in the President's FY 2013 budget request. As you know, NSF funding in recent years has failed to reach the levels authorized in the *America COMPETES* Acts of 2007 and 2010. FASEB's broader goal is to support sustainable growth and a return to a funding trajectory reflective of the *COMPETES* reauthorization.

For the last 20 years I have been Professor and Chair of Biochemistry and Molecular Biology at Penn State College of Medicine in Hershey, PA. One of my first external sources of research funding was an NSF grant, and a number of researchers within my department at Penn State currently receive NSF funding. Today I come before you not in support of biology alone, but to promote investment in all fields of science. As a biomedical scientist, I recognize that research in the life sciences is tremendously enriched by discoveries in physics, mathematics, chemistry, and engineering – fields supported by NSF. With just four percent of the federal research and development budget, NSF sponsors 40 percent of federally-funded basic academic research in the physical sciences and serves as the primary federal funding source for research in disciplines such as computer science, non-health-related biology, and the social sciences.

At a time when the U.S. faces many challenges, scientific and technological advances are the key to keeping our nation globally competitive and protecting our standard of living. The broad

portfolio of fundamental research supported by NSF expands the frontiers of knowledge, fuels future innovation, and creates a well-developed research infrastructure capable of supporting paradigm-shifting research projects. NSF grants, awarded to projects of the highest quality and greatest significance in all 50 states, are selected using a rigorous merit-review process that evaluates proposals on both scientific and societal value. For example, one recent NSF research project utilized mathematics and computer modeling to understand structural characteristics of stents used to treat coronary artery disease. The results of this research will allow manufacturers to optimize stent design and help doctors determine the best kind of stent for each patient and medical procedure. Another team of NSF-funded scientists is studying the unique properties of sundew plants to develop new materials with potential medical applications. Adhesive fibers, like those secreted by the plant, could one day be incorporated into bandages that accelerate tissue repair or applied to artificial hip and knee replacements to stimulate compatibility with human tissue. NSF researchers are also exploring scientific questions that reveal the nature of our universe. Using new data collection capabilities not available a few years ago, astronomers recently discovered the most massive black holes ever observed in outer space.

Over the course of my career, I have mentored over 40 researchers and have been actively involved in efforts to improve graduate education. As someone who strongly believes in the importance of training the next generation of researchers, I deeply value NSF's mission to strengthen science, technology, engineering, and mathematics education nationwide. NSF supports a wide variety of programs aimed at preparing science teachers, developing innovative curricula, and engaging students in the process of scientific inquiry. One of many NSF efforts to prepare future scientists and engineers, the Graduate Research Fellowship Program (GRFP) annually awards approximately 2,000 three-year fellowships to outstanding graduate students pursuing advanced degrees in science, technology, engineering, or mathematics. NSF graduate research fellows are making important scientific contributions, and past GRFP award recipients have gone on to become leading scientists and Nobel Prize winners. Through its education and training initiatives, NSF ensures the development of a workforce well prepared to advance knowledge and achieve new breakthroughs in science and engineering.

NSF-funded research has produced revolutionary discoveries and innovations through its broad-based, long-term investment in R&D. These are the types of investments that no individual or private business could afford to undertake. If the public did not support it, it would not be done. The recently released National Science Board *Science and Engineering Indicators 2012* report indicates that while growth of U.S. R&D expenditures has slowed in recent years, China's R&D expenditures have risen sharply, increasing by 28 percent in 2009. Failure to build on prior investments in NSF would slow the pace of discovery, sacrifice our position as the global leader in innovation, and discourage young scientists and engineers. Strong and sustained NSF appropriations enable the groundbreaking research and training critical to the future success and prosperity of the United States. Thank you for the opportunity to offer FASEB's support for NSF.

FASEB is composed of 26 societies with more than 100,000 members, making it the largest coalition of biomedical research associations in the United States. Celebrating 100 Years of Advancing the Life Sciences in 2012, FASEB is rededicating its efforts to advance health and well-being by promoting progress and education in biological and biomedical sciences through service to our member societies and collaborative advocacy.

Mr. WOLF. Thank you for your testimony. My only question is, if somebody were to say "we are", what would you say?

Ms. BOND. Penn State.

Mr. WOLF. Mr. Fattah.

Mr. FATTAH. Thank you for your appearance.

Ms. BOND. Thank you.

Mr. WOLF. Thank you very much.

Congressman Lipinski, you want to come in? And then I am going to let you take over.

Mr. SCHIFF [presiding]. Good morning.

Mr. LIPINSKI. Good morning.

Mr. SCHIFF. Thanks for joining us. Feel free to go ahead.

THURSDAY, MARCH 22, 2012.

ILLINOIS

WITNESS

HON. DANIEL LIPINSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. LIPINSKI. Thank you.

I want to thank the subcommittee for allowing me to speak today about leveraging the federal government's investment in basic research to boost economic growth and job creation.

Before I start I want to thank everyone on the subcommittee, I know Chairman Wolf led the charge on this to include report language in last year's final CJS appropriations bill requiring the Commerce Department to update its 2004 national manufacturing strategy. This is a topic I have been working on for some time because America needs a comprehensive plan for supporting manufacturing.

Today I would like to highlight two programs at the National Science Foundation that deal with innovation and manufacturing.

The first is the Innovation Corps, or iCorps, which is helping academic scientists who have received NSF grants to commercialize their technology. The total cost is small, \$7.5 million this year, and \$18.8 million requested for fiscal year 2013, but the potential value is enormous.

Over the decades NSF funded researchers have made a massive contribution to domestic economic growth, but given the size of the federal investment in research, \$60 billion annually, the American people should be getting even more new companies and new jobs for their money. The problem is that academics often have little idea how to translate their groundbreaking technology into a product that needs a specific customer need and conform the basis for a profitable company.

If we fail to provide researchers with the skills needed to commercialize their research we are limiting the potential return that taxpayers receive on their investment.

That is where iCorps comes in. iCorps has recruited experienced and highly regarded Silicon Valley entrepreneurs are venture capitalists to teach academics the lean launch pad method to starting a business. This method which draws on decades of experience in Silicon Valley focuses on talking to as many potential customers as

possible, building low cost prototypes to get customer feed back, and quickly responding to the resulting insights. It represents the closest thing we have to a scientific method for building a successful start-up company.

The early results are very promising. Out of the first 21 teams to complete the course 19 are pursuing commercialization of their technology.

Many describe the eight-week iCorps program as a revelation. These teams are developing products such as a robotic weed killer for organic farms, technology that more efficiently cools electronic devices, and a better procedure for perusing graphene, which is a new material which pioneers and recently won a Nobel prize for.

The bottom line is that iCorps represents a low cost way to get us across the much discussed valley of death that separates laboratory discoveries from profit making companies that boost economic growth, job creation, and America competitiveness.

The other program I would like to highlight is NSF's Advanced Manufacturing Program. I have a special interest in this program because I wrote language that was included in the America COMPETES Act to authorize research that leads to transformative advances in U.S. manufacturing.

The Advanced Manufacturing program is focused on overcoming barriers to efficient manufacturing of high-tech products like nano materials and semiconductors. It aims not to refine traditional manufacturing processes but to achieve production of an entirely new types of products with previously unattainable capabilities.

The President's budget request includes \$68 million for advanced manufacturing research.

An example of the kind of initiative made possible by this program is the center for nano scale chemical electrical mechanical manufacturing systems, a partnership including the University of Illinois at Urbana-Champaign, Northwestern University, and four other academic institutions.

Nano technology research being conducted there has a wide variety of potential applications in energy, medical, electronics, and securities industries.

The nano tech industry is growing by leaps and bounds with worldwide revenues expected to exceed a trillion dollars a year within this decade.

By assisting industry with the basic research needed for manufacturing breakthroughs we can greatly increase the likelihood that new jobs will be created in America and that American manufacturers get a leg up on their international competitors.

These are the types of smart investments the federal government should be focused on. By harnessing the full power of American ingenuity we can help the private sector create new jobs, it will grow our economy, and reduce our budget deficits.

I want to thank you for the opportunity to speak before you today and for your time and consideration of these important programs.

[The information follows:]

**In Support of Science and Manufacturing Programs under the Jurisdiction of the
Commerce, Justice, and Science Subcommittee
Congressman Dan Lipinski (IL-03)**

Chairman Wolf, Ranking Member Fattah, thank you for allowing me to speak before the Subcommittee today. I want to talk to you about ways that we can use the federal government's investment in science to create jobs, grow the US economy, and revitalize American manufacturing.

Chairman Wolf, I would first like to thank you for including report language in last year's final CJS appropriations bill requiring the Commerce Department to update its 2004 national manufacturing strategy. As you know, this is a topic that I have been working on for some time, and I appreciate your efforts to have the administration consider and update a comprehensive plan for supporting our nation's manufacturing sector.

While I support a number of science and manufacturing-related programs under the Commerce, Justice and Science Subcommittee's jurisdiction, I would like to highlight two programs at the National Science Foundation that deal with innovation and manufacturing. The first of these is the Innovation Corps, or "I-Corps", which is modeled after the best entrepreneurship class taught in Silicon Valley. This program to turn academic scientists who have received NSF grants into entrepreneurs has moved so fast it has gone from an idea on a whiteboard to a "lesson learned" in eight months. The total cost is small – only \$7.5 million is being spent this year with \$18.8 million requested for the upcoming year – but the potential value is enormous. Just consider that the founders of Google, whose early research was supported by the NSF, have created a company with almost \$38 billion in revenue in 2011 alone.

America is home to the world's greatest universities and scientific researchers. Over the decades, their discoveries have made a massive contribution to economic growth and well-being. But given the size of the federal investment in research – \$60 billion annually – the American people

should be getting even more new companies, jobs and industry-changing technologies for their money.

The problem is that academics often have no idea how to turn their groundbreaking work into a profitable company. When they try to leave the lab and build a business, they often flounder at the earliest stage, never translating their new technology into a product that meets a specific customer need and can yield a profit. Bridging the resulting commercialization gap that separates brilliant discoveries from the customer interest needed to attract investment has been a problem for decades.

This is where I-Corps comes in. I-Corps teaches academics pursuing NSF-funded research the “Lean LaunchPad” method to starting a business. Instead of raising a mountain of cash, building a product, launching it and hoping it finds buyers, a lean start-up focuses on talking to as many potential customers as possible, pivoting on a dime in response to the resulting insights, building low-cost prototypes to get customer feedback and constantly tweaking. It is a process designed to burn through flawed ideas – rather than hard-earned dollars – to create a thriving business.

The early results are promising: out of the first 21 teams to complete the course, 19 are pursuing commercialization of their technology. To give you an example, a professor from the University of Illinois, Yi Lu, is repurposing the glucose meters used by diabetics to monitor drug concentrations in patients. He aims to sell first to pharmaceutical companies performing clinical trials and then to expand to broader markets. Without I-Corps, he predicts it might have taken him two years to get to where he is today. Other teams are developing a robotic weed-killer for organic farms, a sensor that increases safety and efficiency for chlorine producers, technology that more efficiently cools electronic devices, and a better process for producing graphene, a new material whose pioneers recently won a Nobel Prize.

Of course, if experience teaches us anything, it is that most startups will fail. But history also teaches that proper nurturing can increase our success rate. And the projects that do succeed can provide an outsized return for the American people, more than justifying the very modest investment in I-Corps.

Some might ask why government should get involved in financing anything but basic research. If a business has potential, won't the private sector provide backing? No doubt that is true. But I-

Corps participants don't have a business yet. They only have a technology in search of a market. Private capital is happy to fund deployment and expansion. It is much less interested in funding the exploratory stage that comes first. The goal of I-Corps is to guide each team through that exploratory stage and into a position to attract private financing.

Consider also that I-Corps participants have already received government funding from NSF grants. If we are unable to provide researchers with the basic skills needed to commercialize their research, we will practically ensure that taxpayers receive a diminished return on their investment. Today, NSF is working to increase participation in I-Corps by expanding it to up to a dozen universities. Meanwhile, attendees are sharing what they learned with colleagues and students. And, encouragingly, other government agencies are looking to the program as a model.

The other program I'd like to highlight is the NSF's Advanced Manufacturing program within the Engineering Directorate. This program utilizes the basic research expertise of the National Science Foundation to overcome barriers to efficient manufacturing of high-tech products like nanomaterials and semiconductors. The president's budget request includes \$68 million in the coming fiscal year for advanced manufacturing research in engineering. I have a special interest in this area because I wrote the section of the America COMPETES Act which authorized the program.

The program funds an engineering research center at the University of Illinois at Urbana-Champaign called the Center for Nanoscale Chemical-Electrical-Mechanical Manufacturing Systems. Researchers there are using new methods to create materials that are so small they can't be seen by the naked eye – only a few hundred atoms in width. Each piece needs to be created with a nearly identical shape, which can be a tremendous challenge. The center has formed partnerships with industry to get expertise from the business community, and also to teach businesses about research breakthroughs at the center.

The nanotech industry is growing by leaps and bounds, with worldwide revenues expected to exceed a trillion dollars a year within this decade. By assisting industry with the basic research needed for manufacturing breakthroughs, we can ensure that many of these jobs will be created in America and that American manufacturers get a leg-up on their international competitors. One example of a promising nanotech company in my district is Advanced Diamond Technologies, which has developed a way to capture the smoothness, hardness, and durability of diamonds in a thin film suitable for industrial applications.

These are the types of smart investments the federal government should be focused on in times of limited resources. By harnessing the full power of American ingenuity, we can help the private sector create new jobs which will grow our economy and bring down our budget deficit.

Mr. Chairman and Ranking Member Fattah, I thank you for the opportunity to speak before you today, and for your time and consideration of these important science and economic development programs.

Mr. SCHIFF. Thank you, Congressman, I appreciate your passion for manufacturing. It is one I have as well.

Mr. Fattah.

Mr. FATTAH. Thank you. And not to prolong this, but I also assume that you agree that for federally funded research that leads to new widgets being manufactured, that manufacturing should take place in the United States of America.

Mr. LIPINSKI. That is part of the whole push here, is that—

Mr. FATTAH. No, that we should require it. I guess my point is that we should actually require it—

Mr. LIPINSKI. Yes, I think we should—

Mr. FATTAH [continuing]. As a condition of utilizing fellow funded research.

Mr. LIPINSKI. I think there should be a requirement that if you are receiving federal funding that you then manufacture that in the United States.

Mr. FATTAH. Okay, I have legislation in that regard and I will be glad to talk to you about that.

Thank you very much.

Mr. LIPINSKI. It took me a couple seconds to remember that.

Mr. SCHIFF. He is tricky. He is tricky. Thank you, Congressman.

Mr. LIPINSKI. Thank you very much.

Mr. SCHIFF. Thank you.

All right, next we have Dr. Pomponi. Thank you for joining us today, look forward to hearing your remarks.

Ms. POMPONI. Thank you, good afternoon.

Mr. SCHIFF. Go ahead.

THURSDAY, MARCH 22, 2012.

NATIONAL ASSOCIATION OF MARINE LABORATORIES

WITNESS

DR. SHIRLEY POMPONI, SR. RESEARCH PROFESSOR, NATIONAL ASSOCIATION OF MARINE LABORATORIES

Ms. POMPONI. Members of the subcommittee, well, my name is Shirley Pomponi, I am appearing on behalf of the National Association of Marine Laboratories or NAML, and on behalf of our network of more than 100 marine labs I want to thank this subcommittee for the support its provided for ocean, costal, and great lakes research and education through NSF, NOAA, and NASA.

One of NAML's priorities relevant to this subcommittee is to maintain strong support for extramural marine research and education programs at NOAA and NSF.

The President's fiscal year 2013 budget plan with terminate funding for many of these programs, including NOAA's National Undersea Research Program, or NURP, the National Estuarine Research Reserve Construction Program, the Marine Sanctuaries Construction, the John H. Prescott Marine Mammal Rescue Assistance Grant Program, Ocean Education Partnerships, and Competitive Education Grants.

Reductions proposed to other NOAA extramural programs include the Integrated Ocean Observing System, the Coastal Services

Center, the Center for Sponsored Coastal Ocean Research, and the National Estuarine Research Reserve Program.

NOAA has benefited enormously from its extramural partnerships engaging hundreds of scientists in issues of direct and critical relevance to the Nation at remarkably low cost.

In 2004 the NOAA Science Advisory Board's research review team concluded, "NOAA cannot accomplish its goals without the extramural community, specifically the universities and institutions that represent the broad range of expertise and resources across the physical, biological, and social sciences. Moreover, there is the important issue of maintaining a scientific and technologically competent workforce in NOAA, and this workforce is another product of the extramural research community."

NAML recognizes the constraints facing the Congress and the necessary spending limitations. It is for that reason that NAML believes extramural programs ought to be given high priority because they afford the agency a higher degree of flexibility while enhancing its mission in a cost effective and highly efficient manner.

Through engagement with the academic and non-profit extramural research community NOAA can more effectively address the Nation's critical scientific problems.

The place-based extramural programs contribute to local and regional economic development and engage our citizens in wise use of coastal and ocean resources. They expand the impact of federal dollars towards building a globally competitive STEM workforce.

Thank you for the opportunity to appear before you today. My written testimony contains additional details on the impact of NOAA and NSF extramural research and education programs on the Nation's science and technology readiness, on wise use of our ocean and coastal resources, on our local economies, and on education of a globally competitive workforce.

I would be happy to answer any questions you may have.

[The information follows:]

Testimony of
Dr. Shirley Pomponi
Sr. Research Professor
Cooperative Institute Ocean Exploration Research and Technology of
Harbor Branch Oceanographic Institute, Florida Atlantic University
On behalf of
The National Association of Marine Laboratories
Before the
Commerce-Justice-Science Appropriations Subcommittee
Committee on Appropriations
House of Representatives
Washington, D.C.
March 22, 2012

Mr. Chairman, Ranking Member Fatah and Members of the Subcommittee, my name is Shirley Pomponi and I direct the NOAA Cooperative Institute for Ocean Exploration, Research and Technology at Florida Atlantic University. Today I appear on behalf of more than 100 marine labs that make up the National Association of Marine Laboratories – or NAML. On behalf of all of my fellow marine lab directors, I thank this subcommittee for the support it has provided for ocean, coastal, and Great Lakes research and education through the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation (NSF), and the National Aeronautics and Space Administration (NASA).

NAML is a nonprofit organization of member institutions representing coastal, marine, and Great Lakes laboratories in every coastal state, from Guam to Bermuda and Alaska to Puerto Rico. Member laboratories serve as unique “windows on the sea,” connecting scientists and citizens with the rich environmental mosaic of coastal habitats and offshore oceanic and Great Lakes regions. NAML laboratories conduct research and provide academic, education and public service programs to enable local and regional communities to better understand and manage their ocean, coastal and Great Lakes cultural and natural resources.

NAML has two key priorities relevant to this subcommittee as part of its FY 2013 public policy agenda: (1) to maintain strong support for extramural marine research and education programs at NOAA and the NSF; and (2) a recommendation for a cost-saving national partnership program aimed at co-locating NOAA and other federal agency marine science personnel and facilities at the over 100 NAML laboratories located all over the country.

I am here today to present the case for the restoration of funding within the NOAA appropriation that this Subcommittee will draft in the near future. These funds provide vital and irreplaceable support for extramural research, education, and conservation programs, and are among the most well-spent and highly-leveraged federal dollars.

The coastal population of the U.S. increased by nearly 51 million people from 1970 to 2010, with 52% of the Nation’s total population living in coastal watersheds. By 2020, the coastal population is expected to grow by another 10% or 15.6 million. In 2009, the coastal economy contributed \$8.3 trillion to the nation’s Gross Domestic Product resulting in 66 million jobs and

wages worth an estimated \$3.4 trillion. Recreational coastal fishing contributed about \$73 billion in total economic impact supporting over 320,000 jobs. For commercial fishing, the average annual value of all U.S. marine fisheries from 2008 to 2010 is estimated at \$4 billion, providing about 1 million jobs and generating over \$32 billion in income. Our Nation's ports, often located in the heart of sensitive coastal ecosystems, are an essential driver of the U.S. economy. About \$1.9 trillion worth of imports came through U.S. ports in 2010, supporting an estimated 13 million jobs. Over 50% of the total energy produced domestically occurred in coastal states, including natural gas production, electricity generation, and oil and gas production. Coastal areas are providing opportunities for renewable energy development with projects that seek to extract energy from the movement of ocean water due to tides, currents, or waves; from the temperature differential between hot and cold ocean water; and from strong winds in offshore ocean environments.

Meeting stewardship responsibilities for the oceans, coasts, and Great Lakes requires a robust science and education enterprise. Coastal areas face challenges that threaten fisheries resources, impact recreational and commercial resources and affect the health of ecosystems. The Deepwater Horizon oil spill in the Gulf of Mexico and its continuing impact on the natural resources of the region illustrate the need for a robust and responsive ocean and coastal sciences enterprise. We must continue to invest in the Nation's research enterprise that has been responsible for our long-term prosperity and technological preeminence through interdisciplinary research spanning a landscape of disciplines, from physics to geology, chemistry to biology, engineering to economics, and modeling to observation.

National Science Foundation

NAML is highly supportive of the National Science Foundation and its FY 2013 budget request. NSF funds vital basic and translational research that enhances the understanding and governance of the nation's oceans, coasts, and Great Lakes. Over 90 percent of NSF's budget directly supports research at universities and laboratories in all 50 states. A robust NSF fuels the economy, boosts national competitiveness, supports a scientific and technologically literate workforce and provides new knowledge -- all of which are essential for national and economic security. Science and engineering research, education, and related infrastructure support, such as the core research programs in the geosciences, the Ocean Observatories Initiative, and the Field Stations and Marine Lab (FSML) infrastructure program, are especially important in enabling our national network of non-government marine laboratories to serve their vital, cost-effective role as community-based research enterprises.

NAML strongly supports the Science, Engineering, and Education for Sustainability (SEES) initiative. SEES focuses on targeted programs that promote innovative interdisciplinary research to address pressing societal issues of clean energy and sustainability. In FY 2013, SEES includes five programs that contain translational themes: Coastal SEES; Arctic SEES; Sustainable Chemistry, Engineering, and Materials (SusChEM); Creating a More Disaster-Resilient America (CaMRA); and a program on the Role of Information Sciences and Engineering in SEES (RISES). NSF's support for ocean science education should continue to build on past successes, such as the Centers for Ocean Science Excellence in Education, and

should also continue to integrate new approaches and themes, for example, through the new Expeditions in Education initiative.

National Oceanic and Atmospheric Administration

NOAA's FY 2013 budget plan will eliminate funding for the National Undersea Research Program (NURP), the National Estuarine Research Reserve Construction program, the Marine Sanctuaries Construction, the John H. Prescott Marine Mammal Rescue Assistance Grant Program, Ocean Education Partnerships, and Competitive Education Grants.

Additionally, NOAA's 2013 budget plan will drastically reduce funding for other extramural programs, including the Integrated Ocean Observing System, the Coastal Services Center, the Center for Sponsored Coastal Ocean Research, and the National Estuarine Research Reserve program. All of these programs directly connect the NOAA mission to coastal communities, to jobs, schools, recreation and other important values. They also connect communities back to NOAA, helping to ensure that NOAA is responding to real needs.

In the past, NOAA has benefited enormously from its extramural partnerships, engaging hundreds of scientists and other agencies (e.g., NSF) in issues of direct and critical relevance to the nation, at remarkably low cost. The extramural programs have been dollars well spent. In 2004 the NOAA Science Advisory Board's Research Review Team report concluded:

“...Extramural research is critical to accomplishing NOAA's mission. NOAA benefits from extramural research in many ways, including: access to world class expertise not found in NOAA laboratories; connectivity with planning and conduct of global science; means to leverage external funding sources; facilitate multi-institution cooperation; access to vast and unique research facilities; and access to graduate and undergraduate students. Academic scientists also benefit from working with NOAA, in part by learning to make their research more directly relevant to management and policy. It is an important two-way street...***NOAA cannot accomplish its goals without the extramural community, specifically the universities and institutions that represent the broad range of expertise and resources across the physical, biological, and social sciences (emphasis added).*** Moreover, there is the important issue of maintaining a scientific and technologically competent workforce in NOAA and the workforce is another “product” of the extramural research community...Also it is important that during difficult budget periods that NOAA not disproportionately target the extramural research for budget cuts.”

NAML fully recognizes the constraints facing the Federal Government and the Congress and the necessary limitations on Federal discretionary spending. For that very reason, NAML believes that extramural programs should be supported to the maximum extent. External programs are flexible, responsive to local and regional needs, and can leverage local and regional investments, as well as funds from other agency investments. They are often at the cutting edge, supporting innovation and nurturing the scientists of the future. These advantages are enhanced in programs for which peer-reviewed competition and overall merit determine the funding decisions.

Through engagement with the extramural research community and the agencies that support it, NOAA can enhance its research priorities and address the Nation's critical scientific problems. The place-based extramural programs also contribute to local and regional economic development and engage citizens in wise use of their coastal and ocean resources. Finally, extramural research helps educate and train the next generation of marine scientists and engineers, expanding the impact of the federal dollars towards building a globally competitive STEM workforce.

As the federal agency responsible for managing living marine and coastal resources, NOAA must have a presence beneath the sea to better understand the systems under its management. With Public Law 111-11, Congress authorized the National Undersea Research Program (NURP) to provide NOAA with enhanced scientific access to the undersea environment. NURP has cost-effectively provided human access with submersibles and technical diving, and virtual access using robots, seafloor observatories, and innovative new technologies. NURP has provided scientists with the tools and expertise they need to investigate the seafloor and water column, allowing for unique new insights and data to address NOAA's diverse mission. NURP is comprised of a network of regional centers and institutes of undersea science and technology excellence located at major universities. This extramural network facilitates collaborations with programs outside NOAA, leverages external funds and infrastructure, and provides access to world-class expertise and students. NURP projects are selected by a rigorous peer-review process based on scientific merit and relevance to NOAA and national research priorities.

The John H. Prescott Marine Mammal Rescue Assistance Grant Program has also been eliminated from NOAA's FY 2013 federal budget request. Marine mammals are sentinel species that inform our knowledge of the health of marine food webs. Marine mammal stranding response networks nationwide are run primarily through non-profits and other non-government entities including, in many cases, marine labs affiliated with educational institutions. They coordinate their work with NOAA's National Marine Fisheries Service (NMFS) and often engage large numbers of volunteers and students, making the program very cost-effective. Consistent funding is necessary to maintain basic operational needs, volunteer engagement, and the continued success of these essential stranding networks. In addition to support for the stranding networks, NMFS reserves a portion of Prescott funds for emergency responses to catastrophic events, including oil spills, mass strandings, and hurricanes.

Stranding networks are the Nation's first responders to both live and dead marine mammals that come ashore, often in developed coastal communities. They perform important outreach functions for NOAA and collect data and samples that enable important population and ocean health assessment. This includes basic information on marine mammal diseases that are anthropogenic in nature, as well as those that can be spread to humans via contact with stranded animals. If NOAA is permitted to eliminate this program, it is unlikely that NMFS will be able to meet congressional mandates stipulated in the Marine Mammal Protection Act.

To demonstrate the economic and environmental value of extramural programs to the nation, consider the National Sea Grant College Program, a stellar example of NOAA's ability to support extramural research that is locally and nationally prominent. In the last two years, Sea Grant has delivered the following benefits to the Nation:

- Nearly \$243 million in direct economic benefits, which represents nearly a 4 to 1 return on the Federal investment;
- An estimated additional \$146 million in other Federal, state, and non-governmental resources leveraged for research, extension, and other services that support the ocean and coastal enterprise;
- 144 new businesses created, 1271 businesses retained, and more than 8100 jobs created or retained;
- 768 communities across the Nation adopted more sustainable economic or environmental development practices and policies;
- 340 communities adopted hazard resiliency practices to make them better prepared to cope with or respond to hazardous coastal events;
- 5000 individuals or businesses received new certifications in HACCP (hazard analysis and critical control point) handling of seafood products, improving the safety of seafood consumption by Americans across the country;
- 40,000 acres of degraded ecosystems were restored; and
- 1700 undergraduate students, 1400 graduate students, and 800,000 K-12 students were reached with information about marine and Great Lakes science and resources.

Besides the programs singled out in this presentation, a great deal of extramural research that supports NOAA's overall mission is in specific programs such as the Integrated Ocean Observing System (IOOS), the Coastal Services Center, the Center for Sponsored Coastal Ocean Research (CSCOR), and the National Estuarine Research Reserve (NERRS) program. For instance, CSCOR is a multi-topic competitive research program that supports longer-term research on important coastal issues of harmful algal blooms, hypoxia in the northern Gulf of Mexico and other U.S. waters, and multiple stressors. The NERRS programs are effectively aligned with academic institutions and especially marine labs, and they support significant research activities funded by other agencies. The IOOS has observing instrumentation in the water around the U.S. (and including the Gulf of Mexico) that currently provides real-time oceanographic data to users, including the U.S. Coast Guard, maritime transportation, oil spill response agencies (state and federal), and fisheries managers, as well as local fishing and other businesses. Much of the data comes from academic scientists at no cost to the Federal budget. In all, these extramural programs provide NOAA with capabilities that far exceed what is possible in-house, enabling the agency to carry out its mission more effectively and more efficiently.

The examples above demonstrate the unique value, cost effectiveness, and contribution that extramural programs make to the agency's missions of science, service and stewardship. And last, but by no means least, NOAA extramural funding for colleges and universities fosters the integration of education and training into research, helping to create the next generation of scientific and technical talent that the Nation must have to remain competitive into the future.

We urge the Subcommittee to restore funding to these extramural programs when the Subcommittee marks up the FY 2013 Commerce-Justice-Science Appropriations Bill.

On behalf of my colleagues at NAML, thank you very much for the opportunity to express our concerns. We would be happy to provide additional information if it would be helpful to the Subcommittee.

Mr. GRAVES. Thank you, doctor. My nine-year-old daughter has a passion to be a marine biologist. So she would have enjoyed your comments, I am sure.

Ms. POMPONI. Have her contact me.

Mr. FATTAH. Thank you very much.

Ms. POMPONI. You are quite welcome.

Mr. GRAVES. Okay next, Irving, is that right?

Mr. MCPHAIL. McPhail.

Mr. GRAVES. Yes, sir. Yes, sir. Okay. Sorry. I am still new here.

Mr. MCPHAIL. Thank you. Thank you. No problem.

Mr. GRAVES. I only have 11 minutes of experience here, so I am still new too, so. Thank you for joining us.

THURSDAY, MARCH 22, 2012.

STEM EDUCATION

WITNESS

IRVING MCPHAIL, PRESIDENT AND CEO, NATIONAL ACTION COUNCIL FOR MINORITIES IN ENGINEERING, INC.

Mr. MCPHAIL. Thank you. Mr. Chairman, Mr. Fattah, good to see you again, sir. And members of the committee, my name is Dr. Irving Preston McPhail and I am the President and Chief Executive Officer of the National Action Council for Minorities in Engineering, Inc., NACME. I would like to start off by thanking you for the opportunity to share my thoughts and insights regarding the need to increase the number of highly qualified African American, American Indian, and Latino women and men in science, technology, engineering, and mathematics, or STEM, careers. We also want to comment on how federal funding can be used to help increase the present of underrepresented minority students in the STEM space.

Our mission at NACME is to ensure American competitiveness in a flat world by leading and supporting the national effort to expand U.S. capability through increasing the number of successful African American, American Indian, and Latino women and men in STEM education and careers. We would like to partner with the federal government, sharing what we have learned over the past almost four decades. We strongly support the need for continued funding for scholarships and encourage the subcommittee to fund education and training efforts at the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. In addition to our overall support for those programs, we would especially highlight programs such as the STEM education and accountability programs at NASA, NSF's WIDER program, NSF's Broadening Participation in STEM program, and proposals that fund informal science education.

NACME's partners include 50 of the nation's top educational institutions. We are led by a blue ribbon board of directors that is made up of more than 40 top executives from world class Fortune 500 companies, all of which are leaders in technology and innovation. Our model of public/private partnership is one that also would well serve federal purposes.

For nearly four decades we have focused on the needs and interests of underrepresented minorities in the STEM fields. We are the largest private provider of scholarships in engineering for underrepresented minority students. We are also the leading source of research information on the status of underrepresented minorities in engineering education and employment. We are now taking an active role in the formulation of federal policy positions for increasing the opportunities for underrepresented minorities in STEM education and careers.

With funding from individual and corporate donors, including some of the biggest and most influential companies in the world, NACME has supported more than 24,000 students with more than \$124 million in scholarships and other support. We currently have more than 1,300 scholars at 50 partner institutions across the U.S.

Our vision is an engineering workforce that looks like America. If we are to achieve this vision more must be done to substantially increase the number of underrepresented minorities pursuing college degrees in the STEM fields. Underrepresented minorities account for approximately 13 percent of new engineers each year, yet account for 34 percent of all 18 to 24 year olds. This statistic alone is one of the driving factors to why a greater emphasis must be placed on increasing the opportunities available for these students but also improving the performance of those completing the baccalaureate degree in engineering.

As you know, this is a critical time for our nation. Whereas 30 years ago American corporations competed with one another, today's competition is on a global scale. Among other things, corporations wishing to secure their status as leaders in research and development in STEM must confront the reality that the talent sources critical for maintaining their preeminence are changing. New and creative approaches will be required to ensure an adequate talent pool in the future.

Given the tremendous progress in technology and innovation that is taking place in developing countries, the shortcomings of our public education systems, and the historic underrepresentation of sizable elements of our population, our nation must act quickly if we are to maintain a strong leadership position in STEM. The unfortunate reality is that there are many in the United States for whom participation in science and engineering has been and continues to be unlikely. And despite tremendous milestones and decades of progress their numbers continue to grow. In order to reverse this trend immediate, strong, and broad action must be taken. This dilemma is one that has been unaddressed for too long.

Over the decades NACME has learned that increasing underrepresented minority participation in STEM study requires a multifaceted strategy. Scholarship support is critical, but a comprehensive engineering student support strategy that creates a supportive academic community while promoting a high level of collaborative learning and group study is also needed. Through our partnerships with colleges and universities from around the country we have leveraged our scholarship grants with institutional activities that promote academic and intellectual support, including mentoring, peer tutoring, internship experiences, supplemental instruction,

and bridge programs that improve students' preparation for pre-requisite mathematics and science courses prior to enrolling. This is the kind of training continuum that must be included in all federal plans and policies for increasing the STEM workforce.

The February, 2012 PCAST report to the President includes a recommendation to launch a national experiment in post-secondary mathematics education to address the math preparation gap. The gap in math is particularly onerous in our nation's community colleges that enroll 45 percent of African American, 53 percent of Latino, and 52 percent of American Indian undergraduates. I ask that the subcommittee encourage that National Science Foundation to support efforts that address the need to bring research based solutions at community colleges to address the challenge of moving more underrepresented minority students from pre-calculus and pre-algebra to high level math en route to successful completion of bachelor degrees in engineering. Just under 12 million students are currently enrolled in the nation's 1,173 community colleges. These students represent a significant pool of talent for the nation's four-year engineering colleges. I would encourage the subcommittee to provide funding for the administration's proposed NSF/Department of Education mathematics education initiative to support early research, development, validation, and scale up of effective practices.

NACME also recognizes the necessity for recruiting students along the STEM pathway. That is why NACME partnered with the National Academy Foundation and Project Lead The Way to launch a national network of urban centered, open enrollment, high school level engineering academies that will provide students with a strong science and math education in order to better prepare them for college level STEM courses. By involving parents, community resources, local corporations, and higher education institutions, two-year and four-year, in the activities of the academies, it is expected that they will have the potential of dramatically increasing the numbers of underrepresented minorities who will be prepared to engage in engineering education.

I understand the budget pressures that the subcommittee faces as you put together this year's bill. I urge you to ensure that the government continues to be an integral partner with corporations and nonprofit organizations like NACME in addressing many of the challenges I have identified in my testimony. Many of these public/private partnerships are driving initiatives across the country to recruit and train teachers, spur curriculum improvements, and increase the ranks of students studying STEM from grade school to graduate school. By putting in place the appropriate funding and programs that provide STEM education and training for our underserved talent pool we ensure that we will have the intellectual capital to reinforce our nation's position as the world's strongest economy and source of innovation.

Again, I thank you Mr. Chairman, Ranking Member Fattah, and members of the subcommittee for the opportunity to testify before you today and look forward to any comments or questions that you may have.

[The information follows:]

**Oral Testimony
to be presented by
Dr. Irving McPhail, President and CEO
National Action Council for Minorities in Engineering, Inc.
before the
House Commerce, Justice, Science Appropriations Subcommittee
on
March 22, 2012**

Chairman Wolf, Ranking Member Fattah and members of this committee, my name is Dr. Irving Pressley McPhail and I am the President and Chief Executive Officer of the National Action Council for Minorities in Engineering (NACME). I would like to start off by thanking you for the opportunity to share my thoughts and insights regarding the need to increase the number of highly-qualified African American, American Indian and Latino women and men in science, technology, engineering and mathematics (STEM) careers. We also want to comment on how federal funding can be used to help increase the presence of underrepresented minority students in the STEM arena.

Our mission at NACME is to ensure American competitiveness in a flat world by leading and supporting the national effort to expand U.S. capability through increasing the number of successful African American, American Indian and Latino women and men in STEM education and careers. We would like to partner with the federal government, sharing what we have learned over the last three decades. We strongly support the need for continued funding for scholarships and encourage the Subcommittee to fund education and training efforts at the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. In addition to our overall support for those programs, we would especially highlight programs such as the STEM education and accountability programs at NASA, NSF's WIDER program, NSF's Broadening Participation in STEM program, and proposals that fund informal science education.

NACME's partners include 50 of the nation's top educational institutions. We are led by a blue-ribbon board of directors that is made up of more than 40 top executives from world-class, Fortune 500 companies—all of which are leaders in technology and innovation. Our model of public-private partnership is one that would serve well for Federal policies.

For nearly four decades, we have focused on the needs and interests of underrepresented populations in the STEM fields. We are the largest private provider of scholarships in engineering for underrepresented minority students. We are also the leading source of research information on the status of underrepresented minorities in engineering education and employment. We are now taking an active role in the formulation of Federal policy positions for increasing the opportunities for underrepresented minorities in STEM education and careers.

With funding from individual and corporate donors, including some of the biggest and most influential companies in the world, NACME has supported more than 24,000 students with more than \$124 million in scholarships and other support. We currently have more than 1,300 scholars at 50 partner institutions across the United States.

Our vision is an engineering workforce that looks like America. If we are to achieve this vision, more must be done to substantially increase the number of underrepresented minorities pursuing college degrees in the STEM fields. Underrepresented minorities account for approximately 13 percent of new engineers each year, yet account for 34 percent of all 18-to-24 year olds. This statistic alone is one of the driving factors to why greater emphasis must be placed on increasing the opportunities available for these students, but also improving the performance of those completing their baccalaureate degree in engineering.

As you know, this is a critical time for our nation. Whereas 30 years ago, American corporations competed with one another, today's competition is on a global scale. Among other things, corporations wishing to secure their status as leaders in research and development in STEM must confront the reality that the talent sources, critical for maintaining their preeminence, are changing. New and creative approaches will be required to ensure an adequate talent pool in the future. Given the tremendous progress in technology and innovation that is taking place in developing countries, the shortcomings of our public education systems, and the historic underrepresentation of sizable elements of our population, our nation must act quickly if we are to maintain a strong position of leadership in STEM.

The unfortunate reality is that there are many in the United States for whom participation in science and engineering has been, and continues to be unlikely. And despite tremendous milestones and decades of progress, their numbers continue to grow. In order to reverse this trend, immediate, strong, and broad action must be taken. This dilemma is one that has been unaddressed for too long.

Over the decades, NACME has learned that increasing underrepresented minority participation in STEM study requires a multifaceted strategy. Scholarship support is critical but a comprehensive engineering student support strategy that creates a supportive academic community— while promoting a high level of collaborative learning and group study— is also needed. Through our partnerships with colleges and universities from around the country, we have leveraged our scholarship grants with institutional activities that provide academic, and intellectual support, including: mentoring, peer tutoring, internship experiences, supplemental instruction, and bridge programs that improve students' preparation for pre-requisite mathematics and science courses prior to enrolling. This is the kind of training continuum that must be included in all federal plans for increasing the STEM workforce.

The February 2012 PCAST report to the President includes a recommendation to launch a national experiment in postsecondary mathematics education to address the math preparation gap. The math gap is particularly onerous in our nation's community colleges that enroll 45 percent of African American, 53 percent of Latino, and 52 percent of American Indian undergraduates. I ask that the Subcommittee encourage the National Science Foundation to support efforts that address the need to bring research-based solutions at community colleges to address the challenge of moving more underrepresented minorities from pre-calculus and pre-algebra, to higher-level math, en route to successful completion of bachelor's degrees in engineering. Over 11 million students are currently enrolled in one of the nation's 1,173 community colleges. These students represent a significant pool of talent for the nation's four-year engineering colleges. I would encourage the Subcommittee to provide funding for the

Administration's proposed joint NSF- Department of Education mathematics education initiative to support early research, development, validation, and scale-up of effective practices.

NACME also recognize the necessity for recruiting students along the STEM pathway. This is why NACME partnered with the National Academy Foundation (NAF) and Project Lead The Way (PLTW) to launch a national network of urban-centered, open enrollment, high-school level engineering academies that will provide students with a strong science and math education in order to better prepare them for college-level STEM courses. By involving parents, community resources, local corporations and higher education institutions (two-year and four-year) in the activities of the academies, it is expected that they will have the potential of dramatically increasing the numbers of underrepresented minorities who will be prepared to engage in engineering education.

I understand the budget pressures that the Subcommittee faces as you put together this year's bill. I urge you to ensure that the government continues to be an integral partner with corporations and non-profits in addressing many of the challenges I have identified in my testimony. Many of these public private partnerships are driving initiatives across the country to recruit and train teachers, spur curriculum improvements, and increase the ranks of students studying STEM, from grade school to graduate school. By putting in place the appropriate funding and programs that provide STEM education and training for our underserved talent pool, we ensure that we will have the intellectual capital to reinforce our nation's position as the world's strongest economy and source of innovation.

I would like to thank Chairman Wolf, Ranking Member Fattah, and the members of the Subcommittee for the opportunity to testify before you today and look forward to any comments or questions that you may have.

Mr. GRAVES. Thank you, Mr. McPhail. Thank you very much. Mr. Fattah, any comments?

Mr. FATTAH. Thank you. I am quite familiar with you and the great work that you are doing. But we are out of time. Thank you very much.

Mr. MCPHAIL. Thank you.

Mr. GRAVES. Thank you. And I guess this is a good time to recess the subcommittee for, what? Three votes, yeah. Okay. And then, all right. So we have got a few more votes. So we will stand in recess and we will see if I am the next chairman in the chair or a new one shows up, right?

[Recess.]

THURSDAY, MARCH 22, 2012.

FUNDING FOR NIST AND NSF

WITNESS

ELIZABETH ROGAN, CHIEF EXECUTIVE OFFICER, OPTICAL SOCIETY

Ms. ROGAN. The Optical Society supports the optics community through our programs and initiatives. Optics is a highly specialized branch of physics. It is known as the science of light. Many people here in the room work in that area. But it has made possible everything from LEDs, medical imaging, the internet, solar energy, and laser cutting for manufacturing.

Mr. Chairman, I will say, strongly supports the President's budget for NSF and NIST. There are three fundamental reasons for this support. The first is these federal investments in R&D ensure this country's economic long term prosperity and competitiveness. Americans' leadership in science and technology is largely due to investments in long term basic and applied science research in the decades that followed World War II. In the most recent decades as a percentage of GDP that federal funding is declining. If you compare our funding to countries like China, German, Japan, and Korea, their growth is expanding tremendously.

Second, these agencies will have revitalize and engage the U.S. leadership in advanced manufacturing. Our nation's leadership in manufacturing has been declining over the last decade. We have lost over 28 percent of the high tech manufacturing jobs in this country. These two agencies in their proposed budget have made advanced manufacturing a top priority. Their investments will lead to key areas of advancing speed and efficiency of the manufacturing, producing new state of the art cyber and communications technologies, and improving automation and reliability.

Third, our researchers need sustained funding in order to deliver the results that we think are most important, major scientific breakthroughs, new discoveries, and cutting edge technologies that fuel our economy, it takes many, many years to get into fruition.

I want to give you a couple of examples. In 2010 we celebrated the 50th anniversary of the laser. Using federal funding, Ted Maiman created the first ruby red laser at Hughes Research Labs in 1960. Though at the time of its creation it had no known applications. It was known as a problem looking for a solution. Now the

laser touches everything that we do in our world. Bar code scanning, fiber optics, high speed internet, life enhancing 3-D imaging, and if we all live long enough retina surgery for our eyes.

NSF has funded transformation of the iPhone into a medical quality imaging and chemical detection device. With these devices doctors and nurses in very rural areas can diagnose blood diseases which will help many, many of our citizens. NSF also has supported transformative research in manufacturing processing, making manufacturing faster, cheaper, and more efficient. NIST has helped fuel the creation of everything from mammograms, semiconductors, power computers, as well as laser tracking.

Mr. Chairman, these are difficult economic times and I appreciate you and the subcommittee's investment in these long term activities. Thank you.

[The information follows:]

Testimony of Elizabeth Rogan
CEO
The Optical Society
House Commerce, Justice, and Science Subcommittee
House Appropriations Committee
March 22, 2012

Good morning, Chairman Wolf and Ranking Member Fattah. My name is Elizabeth Rogan, CEO of the Optical Society of America (OSA). I appreciate the opportunity to comment on the proposed Fiscal Year 2013 budgets for the National Science Foundation (NSF) and National Institute of Standards and Technology (NIST), both of which are vital to our nation's scientists and engineers. I would like to thank you and the subcommittee members for your stewardship in providing sustained investments in these two critical agencies.

OSA unites more than 130,000 professionals from 175 countries and brings together the global optics community through our programs and initiatives. Since 1916 OSA has advanced the common interests of the scientists, engineers and business leaders in the field of optics and photonics. Optics is a highly specialized branch of physics known as the "science of light," which makes possible everything from medical imaging and solar energy to high-speed computers, LEDs, and laser cutting for manufacturing.

Mr. Chairman, OSA strongly supports the President's FY2013 budget requests of \$7.3 billion for NSF and \$857 million NIST for three fundamental reasons.

First, these federal investments in research and development (R&D) are vital to ensuring our country's long-term economic prosperity and competitiveness. Work being done in labs and classrooms today leads to the businesses, innovations and jobs of tomorrow. America's leadership in science and technology is largely due to the investment in long-term, basic and applied research in the decades following World War II. In recent decades however, federal funding as a percent of GDP has declined in the US, while funding has continued to increase in countries such as Germany, China, Japan and Korea.

Second, they will help re-energize and re-establish U.S. leadership in advanced manufacturing, creating countless new inventions and products, hundreds of thousands of jobs and ensuring national security. Our nation's leadership in manufacturing has been declining, with 28 percent of high technology manufacturing jobs lost over the last decade. The FY13 proposed budgets for NSF and NIST make advanced manufacturing a top priority, with robust investments in key areas that will heighten the speed and efficiency of manufacturing processes, produce new state of the art cyber and communications technologies and improve automation and reliability.

Third, researchers need the certainty of sustained funding in order to deliver results from long-term projects. Major scientific breakthroughs, new discoveries and the cutting edge new technologies that fuel our economy typically take many years to come to fruition, requiring sustained efforts and funding over multiple years.

Now let me give you some concrete examples of the direct benefits sustained federal R&D investments have had:

1. Consider the laser, which celebrated its 50th anniversary in 2010. Using federal funding, Theodore Maiman developed the first ruby red laser at Hughes Research Labs in 1960. At the time of its creation, the laser had few known applications. It was known as the “solution looking for a problem.” Today, the laser touches virtually all aspects of daily life from bar code scanners to fiber optics that provide high-speed Internet to lifeenhancing medical technologies such as the three dimensional images of human tissues and laser eye surgery. Lasers also play a key role in our national security efforts from the ground to the air. For example, lasers are used in airport scanners to detect potentially dangerous devices being carried on board airplanes. They are used on military aircraft to detect and fight off enemy missiles. In short, the federal funding used to create the laser was an investment made a half century ago that is still creating thousands of jobs and providing billions of dollars in economic activity today.
2. NSF funded research at the University of California-Davis has transformed the i-Phone into a medical-quality imaging and a chemical detection device. The enhanced i-Phone could help doctors and nurses diagnose blood diseases in remote areas, the military field and developing nations, where hospitals and rural clinics have limited or no access to laboratory equipment.
3. A team of high-energy physicists, computer scientists, and network engineers from CalTech, University of Michigan and other universities recently set a new world record for data transfer, helping to usher in the next generation of high speed network technology. The achievement, funded by NSF, will help establish new ways to globally transport increasingly large quantities of data, allowing individuals, governments and agencies to share information faster and more reliably.
4. NIST research helped fuel the creation of everything from mammograms to semiconductors which power computers as well as laser tracker measurement systems used in the aerospace and automotive industries, among others. Recently, a team from the University of Colorado Boulder and Pennsylvania State University collaborated on compact laser frequency comb. Laser frequency combs are extraordinarily precise tools for measuring frequencies (or colors) of light. The new comb could enable new applications in astronomical searches for Earth-like planets, high-capacity telecommunications, and potentially portable versions of the most advanced atomic clocks.
5. NIST research is currently focused on promoting energy-efficiency and alternative energy sources, both of which save money and decrease our dependence on foreign oil. NIST’s Spectrally Tunable Lighting Facility will allow researchers to fine-tune lightemitting diodes (LEDs) and ensure standards and measurement method are adequate for LEDs. The current standards are designed for traditional incandescent bulbs. Additionally, a team of scientists from NIST and the US Naval Research Laboratory (NRL)

are working to optimize organic solar cells. Solar cells made from organic materials cost less to produce than silicon cells, can cover larger areas and can be recycled easier.

6. NSF is supporting transformative research in advanced-technology manufacturing by investing in research that makes manufacturing processes faster, cheaper and more efficient. The investments in the Cyber-enabled Materials, Manufacturing, and Smart Systems (CEMMSS) program will be focused on areas of national importance such as advanced semiconductor and advanced optical device design; cyber- physical systems and advanced robotics research and; materials processing and manufacturing, with the goal of investing in emerging technologies that promise to create high quality manufacturing jobs here in the US and enhance our global competitiveness.

Revitalizing the U.S. economy through R&D

Nearly 15 years ago the National Academies produced an extraordinary report called "Harnessing Light: Optical Science and Engineering for the 21st Century" that made the compelling case that investments in R&D and specifically in the areas of optics and photonics have been critical in developing many of the cutting edge technologies we depend on in health care, energy and medicine. The NAS is now in the process of updating this report and plans its release this spring. We believe it will provide a positive roadmap and framework for how the U.S. can wisely invest in the technologies that will win the future.

Mr. Chairman, these may be difficult economic times but through continued, sustained investments in R&D programs at NSF and NIST will help revitalize U.S. manufacturing, create hundreds of thousands of new jobs and spur innovations that will lead to a better quality of life for millions of people in the U.S. and around the globe.

Once again, we greatly appreciate this committee's leadership and look forward to working with you as you move forward with the FY13 budget process.

Mr. WOLF. Thank you. I have no questions. And I was going to say this so many times but I did not because we are running out of time. The problem is though—I agree with everything you said, probably feel maybe even stronger than you feel about it. But here is the problem. We are a nation today where the great leaders have left the field. The business community has been silent. The scientific community has been silent. The fundamental problem in this country is we have to reform the entitlements and we have to close the tax loopholes. General Electric paid no taxes in 2010, filed 57,000 pages of electronic tax forms, and paid no taxes, and yet they are one of the largest taxpayers in China the same year.

We have got to reform the entitlements. Nobody today has come up and said, “we have to reform the entitlements.” I did not hear one witness say that. Nobody has said, “we have got to close these tax loopholes.” And the Obama administration has failed. He walked away from the Simpson-Bowles Commission, and the Congress, the Republican Congress, has failed. Both have failed. So until you deal with the entitlement issue and closing these tax loopholes you will not literally be able to deal with the problem. The problem will be worse next year, worse the year after that, and the year after that.

So we have got to come together and we are not doing it. And it is the Simon and Garfunkel song, “a man hears what he wants to hear and disregards the rest.” Every witness has disregarded the entitlements. No one will say a word about it. Nobody will talk about the tax earmarks. GE has their lobbyists all over this town looking for every potential earmark they possibly can. The President’s jobs guy, Jeff Immelt, has created thousands of jobs but they have all been in China. They have not been here in the United States.

So until we, to the audience too, until we deal and pass a Simpson-Bowles Commission, put everything on the table, reform the entitlements, close these tax loopholes, all of you, all of your organizations are going to have the same problem year after year after year. And so I support all these programs. I mean, I completely, strongly, because I am worried that America will fall behind. I want the 21st Century to be the American Century, not the Chinese Century.

But I would just say though the business community, the scientific community, the university community, everyone is going to have to come together to put pressure on this administration or the next administration and on this Congress, this Congress if you can do it before the end of this year, or the next Congress, to come together in a bipartisan way similar to what Simpson-Bowles did by putting everything on the table, looking at everything. It was not a perfect plan, but you could have tinkered and changed or whatever, and everyone would have had the opportunity. But until we do that, I gave a speech the other day, in 2021 we will pay per day, if I remember the notes that I wrote out, \$2.7 billion in interest. \$2.7 billion a day in interest. Can you imagine what we could do for math, and science, and physics, and space, with the National Science Foundation?

And also, listen, and I am going to get to places I should not go. This Congress just, have you all changed your spending habits be-

cause they gave you your payroll tax cut that cost \$93 billion? Do you all know about that? That was your Social Security tax. Now I think you are all going to want your Social Security when you come up to it. But for the second year straight they just gave back, and they are literally undermining the Social Security system. So it is a dysfunctional thing. We have got to get control of the entitlements and close these tax loopholes, and then we should be funding more than we are going to be funding. So we, if the 21st Century is the Chinese Century it will be a very dangerous century. Very, very dangerous.

Ms. ROGAN. I spent a lot of time in the labs in China and it is shocking what they are doing in terms of their investments.

Mr. WOLF. It is scary. And you know they are the same ones that have Catholic bishops in jail, Protestant pastors in jail, are forcing Buddhist monks and nuns to set themselves aflame, are funding the weapons that are being used in Southern Sudan to kill the people from the Nuba Mountains. Chinese weapons. They are the same ones who are spying against us. But they are the same people that we are borrowing money from to fund the government. So we have got to get control of the entitlements. We have got to get, close these tax loopholes. But I appreciate your testimony and I completely agree with you, but thank you.

Ms. ROGAN. Thank you.

Mr. WOLF. Next witness, Congresswoman Judy Chu. Welcome.

THURSDAY, MARCH 22, 2012.

NASA'S FISCAL YEAR 2013 BUDGET

WITNESS

HON. JUDY CHU, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. CHU. Thank you, Mr. Chair. Thank you for the opportunity to testify on the National Aeronautics and Space Administration's fiscal year 2013 budget. I am here because I strongly support the NASA Mars program and I am very concerned about the cuts to this program proposed in the President's fiscal year 2013 budget.

I represent a district in the San Gabriel Valley in Los Angeles County, California. In the San Gabriel Valley is CalTech's Jet Propulsion Laboratory, which manages the NASA Mars program. JPL provides almost 5,000 jobs, very significant considering the fact that L.A. County has one of the highest unemployment rates in the country, 11.8 percent compared to the national rate of 8.3 percent.

To the people of my district and throughout the region the high-skilled, cutting-edge work provided by the NASA Mars program means investment in the economy and thousands of jobs, not only at JPL but in spinoff industries and businesses, and throughout the community. But the benefits do not stop there.

The technologies discovered at JPL do not just benefit the aerospace industry. The technology developed at JPL for Mars mapping is now used to conduct high resolution, 3-D mapping here on Earth by businesses, emergency managers, and policy makers. And the Mars rovers built at JPL led to the creation of military robots used in Iraq and Afghanistan to search buildings and clear caves and

bunkers while keeping American troops out of harm's way. Many of these spinoffs support small businesses, which are the backbone of America's economic growth.

JPL is the only place in the world that has successfully landed a mission on Mars. But this unique capability to perform high end entry, descent, and landing on another planetary body is at risk. In the President's budget for fiscal year 2013 the Mars exploration program would receive an irrevocably damaging cut of nearly 40 percent, down from \$587 million in fiscal year 2012 to \$360.8 million. The proposed cuts to NASA's budget would devastate JPL's workforce and require our nation's brightest to look elsewhere for work, having a ripple effect throughout the region, the state, and the country.

These cuts also are disproportionately deep despite its track record of success. With a dramatically reduced Mars exploration program the U.S. is in danger of losing its investment as well as critical intellectual capital. We simply cannot afford it.

That is why the National Research Council's decadal survey for planetary science released last year made a Mars rover mission in 2018 their highest priority, especially since it would lead to bringing back rock and dust samples to Earth. It is clear that with such a devastating cut to this program we will no longer be able to meet this goal.

I understand that we need to set priorities and we all need to make difficult choices. But we should not disproportionately cut a program that has been so successful, has stayed on time and on budget, and has created game-changing technologies. Finding the right balance must be our top priority.

For these reasons I respectfully request that this committee support planetary sciences at NASA at the level of \$1.44 billion, providing \$510.8 million in funding for the Mars exploration program. This will allow us to advance the mission of returning rock and dust samples from Mars back to Earth in the next few years and keep this critical technological and scientific leadership right here in the United States. We must protect programs like Mars exploration that advance job opportunities and economic growth. It does not make sense to cut one of our most promising and successful NASA programs. Even though painful decisions must be made I urge the committee to work hard to find the right balance to help preserve this very important program. Thank you.

[The information follows:]

**Testimony for Fiscal Year 2013 NASA Budget
Submitted to the Subcommittee on Commerce, Justice, Science, and Related
Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC**

**Submitted by
Representative Judy Chu**

March 22, 2012

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee: Thank you for the opportunity to testify on the National Aeronautics and Space Administration's fiscal year 2013 budget. I am Congresswoman Judy Chu and I represent California's 32nd district in Los Angeles County. My district currently neighbors Pasadena and the California Institute of Technology (Caltech), which manages NASA's Jet Propulsion Laboratory (JPL). In fact, these two prestigious institutions are only a few blocks from my district line. As you can imagine, although Caltech and JPL are not physically located in my district, they are extremely important to the community I represent, and to the region at large, employing over 5,000 Angelinos with good high-paying jobs. In fact, because of the impact, expertise, and research at JPL, that the San Gabriel Valley is considered the brain trust of the LA Area.

Over forty years ago, the "Space Race" captivated our nation and human space exploration inspired a generation of scientists and engineers. Today, it is the robotic exploration of far-away planets, like Mars and Jupiter that excites Americans. In fact, the Mars Exploration program has been one of NASA's treasures, producing many of its most awe-inspiring achievements over the last decade. When the Mars *Spirit* rover landed in 2004, the mission's website saw nearly one billion hits. From the Mars rovers *Spirit* and *Opportunity*, which analyzed soils on the Martian surface, and the *Phoenix* lander that confirmed the presence of water, to the recently-launched *Mars Science Lab*, which will seek to discover whether or not life has existed or can exist on Mars, NASA's planetary science program continues to make scientific breakthroughs and to "wow" us all.

More immediately, to the people of my district and throughout the region, this high-skilled, cutting-edge work means jobs at Caltech and JPL, and in spin-off industries and businesses, as well as indirect jobs throughout the community. As you may know, L.A. County has one of the highest unemployment rates in the country. Many of the thousands of JPL employees who work on the Mars Exploration program and other NASA programs live in my district; they shop, and invest, and pay taxes in the community. Yet the economic benefits do not stop there. These are exactly the kinds of jobs America needs to protect and promote to spur innovation and real economic growth. The spin-off technologies created by the Mars program can translate to skilled jobs throughout the U.S. The need for experts in science, technology, mathematics and engineering that a sustained Mars program and Planetary Exploration demand translates to the

kind of emphasis on education that has long made America the global leader in innovation, discovery and development.

At JPL, scientists and engineers take on the toughest assignments and solve problems with new technologies that benefit us all. In fact, JPL is the only place in the world that has successfully landed a mission on Mars. But this unique capability to perform high-end entry, descent, and landing on another planetary body is at risk. The proposed cuts to NASA's budget would devastate JPL's workforce and would require our nation's best and brightest to look elsewhere for work. With a dramatically reduced Mars Exploration program, the U.S. is in danger of losing the intellectual capital it needs to land missions on another planet.

The National Research Council's decadal survey for planetary science (*Vision and Voyages for Planetary Science in the Decade 2013-2022*)—released in March, 2011 and authored by the nation's most preeminent planetary scientists—sets as the field's highest priority a Mars rover mission in 2018 that would lead to bringing back rock and dust samples to Earth. This mission, along with the critical science orbiter which was intended for launch in 2016, would preserve the nation's global technological and scientific leadership while maintaining the unique national capability built over the last sixty years to successfully and safely land a rover on the surface of another planet.

Unfortunately, the President's budget request for Fiscal Year 2013 would disproportionately single out and cut planetary science. The Mars Exploration program would receive an irrevocably damaging cut of nearly 40 percent. Not only is it unfair to single out one scientific discipline like this, which dissuades both active scientists and future scientists from pursuing a career in planetary science, it is equally unfair that the US should lose its longstanding leadership role in planetary exploration as a result of NASA's shortsightedness. How can we let NASA's dominance in planetary exploration slip, especially as other countries are challenging our leadership? NASA's Space Science program has been successful over the last 20 years because its balance has allowed the scientific community to plan future missions while encouraging new scientists to enter the field. But this NASA budget is not balanced.

I understand that we need to set priorities, and we all need to make difficult choices. But how can exploring the universe and investing in game-changing technologies are and must remain top priorities. The return on investment for these programs is so great that we would be negligent if we did not continue to support this program. The technologies developed to execute these missions are important economic drivers and play a role in Americans' everyday lives. The Mars mapping technology developed at JPL is now used to conduct high-resolution 3D mapping here on Earth by businesses, emergency managers, and policy makers.¹ Additionally, the technology generated from building the Mars rovers at JPL has lead to the creation of military combat robots used by American service members in Iraq and Afghanistan to search buildings and clear caves and bunkers, while keeping American troops out of harm's way.² These cutting-

¹ *Mars Mapping Technology Brings Main Street to Life*. NASA: Spinoff 2008. Web. 2008. Web. 09 March 2012. http://ntrs.nasa.gov/archive/nasa/casi.ntrs.nasa.gov/20090002482_20090001785.pdf.

² *All-Terrain Intelligent Robot Braves battlefront to Save Lives*. NASA: Spinoff 2005. 2005. Web. 08 March 2012. http://ntrs.nasa.gov/archive/nasa/casi.ntrs.nasa.gov/20060022037_2006145860.pdf.

edge spinoffs are important economic drivers, many of which support small businesses—a key player in today's economy.

Despite the fact that NASA's Mars Exploration program is so remarkable, in both its past accomplishments and its ability to inspire those of us on Earth, NASA's proposed budget would completely devastate the program. The Mars Exploration program, as well as other key scientific missions like a mission to Jupiter's exciting moon Europa, are key recommendations from the National Research Council's planetary science decadal survey. Planetary expeditions, like the Mars Sample Return and a journey to Europa, not only provide an economic return on investment, but they also help humankind understand the Universe and our place within it. I ask you to support the planetary sciences at NASA at the level of \$1.44 billion, slightly below the amount we committed in Fiscal Year 2011, which would allow the U.S. to continue to explore our Solar System and keep the knowledge and technical capability to do so right here in the United States, instead of overseas. At a time when Americans are looking for its leaders to grow the economy and help create job opportunities, to protect and expand American leadership, and while many of our partners and competitors alike are expanding their investments in space exploration and technology, it does not make sense to cut one of our most promising and successful NASA programs.

I hope this committee will carefully weigh the benefits of the Mars program as it considers the Fiscal Year 2013 budget.

Thank you.

Mr. WOLF. Thank you very much. I appreciate your testimony. Mr. Culberson.

Mr. CULBERSON. Thank you, Mr. Chairman. I want you to know we are all on this committee strong supporters of NASA, the planetary program. We all recognize the just unacceptable devastating cuts the President's budget would make to the planetary program, essentially shutting it down. And do not forget Europa. JPL has done a spectacular job in leading the way and the mission to Europa is also a top priority of the decadal survey. So Chairman Wolf personally protected last year, and I know he is going to do his best this year to protect, no matter what the budget number is. And we are undoubtedly going to get a significantly reduced allocation for the subcommittee. And his commitment to the sciences, law enforcement, NASA is truly extraordinary.

Ms. CHU. I truly appreciate it.

Mr. CULBERSON. You are talking to a real friend, right here.

Mr. WOLF. Yeah, good, thank you for your testimony. Thanks. The next, Felice Levine, Executive Director, American Educational Research Association. Thank you.

THURSDAY, MARCH 22, 2012.

NATIONAL SCIENCE FOUNDATION BUDGET

WITNESS

FELICE LEVINE, EXECUTIVE DIRECTOR, AMERICAN EDUCATIONAL RESEARCH ASSOCIATION

Ms. LEVINE. Thank you, Chairman Wolf, and other members of the subcommittee. And I especially want to thank Chairman Wolf for his leadership role in science and this passion and perseverance that you have for really advancing the federal investment in science. And as Mr. Culberson so eloquently underscored, it is of great value.

I am here today to speak on behalf of the National Science Foundation budget. I am Executive Director of the American Educational Research Association, the major national scientific association of 25,000 scholars engaged in scientific research across the life span about education and learning, including prominently STEM education. My testimony today specifically focuses on the \$875.6 million request for the National Science Foundation's Education and Human Resources Directorate, warmly called EHR. While we welcome and fully support the President's request for an increase in the budget we are particularly enthusiastic and really want to underscore how the directorate plans to use this money to advance sustained and significant STEM research.

I wish to call the attention of the committee to four points in considering the fiscal year 2013 budget for EHR. A laudable change, rather understated, but laudable change; a sensible and strategic R&D plan; EHR and the culture of science; and NSF and EHR as prudent stewards of resources. Just as we recognize the significance and the importance of science investments for other areas of innovation and invention, there is no area perhaps more central to R&D investments in education research and learning sciences in

STEM education so that we indeed can be innovative in our educational programs across STEM.

The EHR plan sets four important priorities and directions that show laudable ambition to advance STEM education and learning. There was mention of the importance, I think by a prior witness, of the important collaboration between EHR and the Institute of the Education Sciences in the Department of Education to establish standards of evidence for STEM education innovations and research. EHR is also a very important player in the five-year inter-agency plan for federal STEM investments.

Even more important than the size of the request, which is an appropriate request, is the new framing of the EHR investment portfolio into three categories, core R&D, leadership, and expeditions. The plan recognizes that meaningful change in the scientific workforce capacity and in public literacy requires sustained and cumulative investment and research, and a staged development and planning for such investments. So we see this as a very sensible and strategic R&D plan. The core R&D investment emphasis as proposed is in four areas: STEM learning, STEM learning environments, broadening participation and institutional capacity in STEM, and STEM professional workforce preparation. These core R&D areas evolved and were crafted based on national studies and reports and wide consultation across the education research in science and education communities.

As importantly as you examine the budget plan and request, R&D is not isolated in one budget, in one division, but is integrated across all four divisions. As set forth in the proposed EHR budget each of the four divisions will receive \$5 million for a newly established core launch fund. In fiscal year 2013 EHR will commence a year of dialogue with key stakeholders. They are going to make important investments in 2013 and then reexamine and do any kind of clarification and realignment that may be necessary.

NSF and EHR have been very prudent stewards of these resources. EHR's request constitutes 5.6 percent over the 2012 request. But most important is the rethinking within EHR and NSF about how to use the funds and reframe the investment in an effort to build the scientific knowledge base that can reestablish the U.S. preeminence in science education and workforce development. In constant dollars the budget request is, in comparison to 2006, actually a decrease of 2.3 percent. And I think what is most important, and perhaps why we want to urge the committee to take a strong look at this request and the components of it, is that this request now has a very strong backbone in investment in R&D to build STEM education programs based on investment in an R&D set of priorities that can provide the backbone for innovation in education.

I want to thank the committee.

[The information follows:]

**Written Testimony of Felice J. Levine, PhD
Executive Director of the American Educational Research Association
Regarding
Fiscal Year 2013 Appropriations for the National Science Foundation
U.S. House of Representatives, Committee on Appropriations, before the
Subcommittee on Commerce, Justice, Science and Related Agencies
March 22, 2012**

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee, it is my privilege to be here today to testify about the National Science Foundation's fiscal year (FY) 2013 Budget Request. While our Association values the significant role of the National Science Foundation as a whole in advancing science for our Nation, my testimony specifically focuses on the \$875.6 million proposed by the President for the NSF's Education and Human Resources Directorate (EHR). This Directorate is responsible for achieving excellence in U.S. science, technology, engineering, and mathematics (STEM) education in order to support the development of the scientific workforce as well as a scientifically literate citizenry.

I am the Executive Director of the American Education Research Association (AERA). AERA is the major national scientific association of 25,000 scholars dedicated to advancing knowledge about education, to encouraging scholarly inquiry related to education, and to promoting the use of research to serve the public good. Founded in 1916, AERA is the most prominent national and international research society in this field. Our members are primarily university faculty and senior researchers at research institutions, who are responsible for conducting research in all areas of education and learning. Many members are engaged in STEM education research, and, because of the leadership role of EHR in this field, we have closely followed the innovative program development and strong leadership that has characterized the Directorate.

We are particularly honored to be asked to testify this year. Our Association wants to call the committee's attention to significant developments within the Directorate and to offer its enthusiastic support for plans to build a sustainable base of core research sufficient to support the STEM needs of the Nation. While we welcome and fully support the President's request for an increase of \$46.6 million in funding for EHR for fiscal 2013, we are particularly enthusiastic about how the Directorate's plans to use this money to further sustained and significant STEM research.

Laudable Change

The EHR plan for FY 2013 sets forth important priorities and directions that show laudable ambition to advance STEM education and learning. Noteworthy is (a) the central involvement of EHR in the design and implementation of a 5-year inter-agency plan for federal STEM investment and (b) the joint effort being led by EHR and the Institute of Education Sciences (IES) in the Department of Education to establish standards of evidence for STEM education innovations and research.

Even more impressive is what is modestly described as “a new framing of the EHR investment portfolio into three categories: Core R&D, Leadership, and Expeditions.” The plan recognizes that meaningful change in the scientific workforce capacity and in public literacy requires (a) sustained and cumulative investment in research, and (b) the staged development and planning for such investments.

A Sensible and Strategic R&D Plan

Core R&D investments are proposed and planned in four areas: STEM learning, STEM learning environments, broadening participation and institutional capacity in STEM, and STEM professional workforce preparation. These Core R&D Areas evolved and were crafted based on national studies and reports and through consultations with the community. And, as importantly, in this new plan, R&D is *not isolated but integrated* across all four divisions.

As set forth in the proposed EHR budget, each of the four divisions will receive \$5 million dollars, through a newly established “Core Launch Fund” to begin a program of core research necessary to provide a foundation for STEM reforms. This allocation will permit a first round of grant awards that will shape the core R&D areas in each division by synthesizing existing work, identifying future needs, and highlighting important trends and challenges.

In FY 2013, EHR will also commence a year of dialogue with key stakeholders and communities to assess the core foci followed by a one-year period in FY 2014 of clarification and realignment of program combinations. The divisional core R&D emphases to be put in place in FY 2013 are based on depth of staff experience within the divisions and the readiness of the respective research communities to rapidly develop strategic responses. Some of these programs will be collaborations with the U.S. Department of Education and will be designed to take advantage of the distinctive research capabilities EHR has developed and the leadership role of the National Science Foundation for the advancement of science and for building cumulative knowledge in education, learning, and science education.

As set forth in the budget plan, the aim is wisely to encourage ownership of the importance of an R&D investment in every division. Each EHR division will take responsibility for the intellectual definition, direction, and coherence of one core area:

1. The Division of Research on Learning in Formal and Informal Settings (DRL) will lead the Core R&D area of STEM Learning. DRL will continue to support the development of innovative resources, models, and tools for K-12 STEM education. DRL is the NSF lead in building knowledge and evidence through research on STEM learning and fundamental research on learning; engaging experiences that support lifelong STEM learning, teacher learning, and research on national STEM priorities; and evaluation studies and activities. The Math and Science Partnership (MSP) program will be based in DRL. In addition, \$15.0 million has been added to the Discovery Research K-12 (DR-K12) program in

DRL to develop, validate and scale up evidence based approaches to improve student learning at the K-12 and undergraduate levels.

The principal goal of this initiative is to fund research that characterizes the STEM learning process in all its forms, by a full range of learners in the full range of settings, including those from groups traditionally underrepresented in STEM, especially women, minorities, persons with disabilities, English language learners, and veterans. This also includes development of innovative and effective approaches and instruments for promoting and assessing learning. A priority of a program newly named “Advancing Informal STEM Learning” (AISL), for example, will be to fund projects that are innovative at the frontiers of informal learning, advance the field by identifying learning strategies that can be utilized by others in the field, broaden participation of underrepresented groups, and incorporate collaborative strategies with other partners.

2. The Division of Undergraduate Education will lead the Core R&D area of STEM Learning Environments, a portfolio of programs that will build and expand a coherent body of knowledge on innovative and effective STEM learning environments at all education levels to meet the challenges of the 21st century. In FY 2013, the Widening Implementation and Demonstration of Evidence-based Reforms (WIDER) program will fund research and demonstration projects exploring how to achieve widespread sustainable implementation of evidence-based undergraduate instructional practices to improve student outcomes.

In addition, the Transforming Undergraduate Education in STEM (TUES) program will fund a number of projects responsive to the President’s Council of Advisors on Science and Technology (PCAST) draft report on strengthening early undergraduate education as well as \$15.0 million to develop, validate and scale up evidence-based approaches to improve student learning at the K-12 and undergraduate levels, which is jointly funded with the Department of Education.

3. The Division of Human Resource Development (HRD) focuses on building a diverse and well-qualified S&E workforce. HRD will lead the Core R&D area of Broadening Participation and Institutional Capacity in STEM to build a coherent body of knowledge about successful approaches and models for broadening STEM participation for all groups traditionally underrepresented in STEM, including women and persons with disabilities. The Core work also includes building the institutional capacity to ensure that all students have access to the highest quality STEM programs and instruction.

4. The Division of Graduate Education (DGE) invests in U.S. graduate students and innovative graduate programs to prepare tomorrow’s leaders in STEM. DGE will lead the Core R&D area of STEM Professional Workforce Development, a portfolio that will build and expand a coherent body of knowledge about successful approaches, practices, and models for STEM professional workforce preparation.

EHR and the Culture of Science

The FY 2013 proposed plan importantly reflects the EHR Directorate's serious commitment to the scientific study and evaluation of programs and research supported under its aegis. Under Program Monitoring and Assessment, the budget document shows a praiseworthy level of self reflection and innovation in undertaking evaluation cross-directorate within EHR on issues ranging from cyber-learning to preK-5 education. Building upon the substantive and methodological expertise in our science, the EHR plan includes two longitudinal studies—one to examine the long-term impact of the site experiences within the Research Experiences for Undergraduates (REU) Program on student participation in science and the other to study the impact of Graduate Research Fellowships (GRF) on recipients.

EHR's commitment to building model programs through R&D and evaluation is worthy of comment and praise. To enhance the REESE Program (*Research and Evaluation on Education in Science and Education*), in 2008, EHR provided support to establish the Center for Advancing Research and Communications in Science, Technology, Engineering, and Mathematics (ARC) at NORC at the University of Chicago. ARC works with over 300 REESE investigators across the U.S. as they aim to improve education policy, instruction, and learning, in and outside of formal classroom settings. Over the past year, with EHR's encouragement and support, ARC has developed *Criteria and Guidelines for Rating the Methodological Rigor of REESE Projects*. Beyond the REESE Program (to be renamed *Research on Education and Learning [REAL]* in FY 2013), this kind of initiative reflects the broader commitment within NSF and EHR to quality science and standards that promote it.

NSF/EHR as Prudent Steward of Resources

The FY 2013 proposed budget and plan for EHR constitutes a \$46.61 million (5.6 percent) increase over the 2012 estimate. This increase is modest in absolute and real terms and shows a commitment to serious rethinking within EHR and NSF about how to use funds and reframe investments in an effort to build the knowledge base that can reestablish U.S. preeminence in STEM education and STEM Workforce development in the 21st Century.

The budget request of \$875.6 million is a 1.7% increase over fiscal year 2011 (since EHR had a reduction of budget in the FY 2012 estimated budget). Taking a longer view, it is noteworthy that the Directorate has worked prudently with the limited resources it has received, reflecting the difficult economic times that our citizens and our Nation face. In constant dollars, the FY 2013 request is -2.3% below the 2006 budget appropriation.

Conclusion

In conclusion, AERA believes that the new focus on core research and development programs provides a comprehensive strategy for addressing the major challenges of

STEM education: providing meaningful access to all our children, offering curricula and pedagogy based on rigorous research, understanding the dynamics of the STEM workforce and improving undergraduate education, and scaling up across the board.

We see the plan as revealing innovative thinking based on coupling sustained research with advances in STEM education. We urge the committee to look favorably on this request as a modest one to support a well developed and compelling plan.

Thank you for providing this opportunity to support the budget request and strategy. Please call on us if we can provide additional information regarding this budget proposal.

Mr. WOLF. Thank you for your testimony. Mr. Fattah.

Mr. FATTAH. Let me thank you for your testimony.

Ms. LEVINE. Thank you.

Mr. WOLF. Thank you.

Mr. CULBERSON. If I may?

Mr. WOLF. Sure, yes sir. Absolutely.

Mr. CULBERSON. Ms. Levine, you are, several years ago, and I am not sure whether President Bush had a bill that would have transferred responsibility for designing, leading the way on STEM education curriculum from the National Science Foundation to the Department of Education. I do not know that that ever passed. NSF still has the lead, do they not?

Ms. LEVINE. Yes.

Mr. CULBERSON. On STEM education?

Ms. LEVINE. Yes. Absolutely. I think there is very effective partnerships and communication now——

Mr. CULBERSON. It is a natural.

Ms. LEVINE [continuing]. Between U.S. Department of Education and EHR. But the science leadership role——

Mr. CULBERSON. Sure.

Ms. LEVINE [continuing]. In science education——

Mr. CULBERSON. NSF is the right place for it. I am glad the bill did not finally pass, because it needs to be at NSF. My question is, and I have sent this to the subcommittee, Mr. Chairman, and I want to get your comment on it, it seems to me a natural for NSF to develop the creation of STEM high schools. I suggested, Mr. Chairman, that NSF create a competitive peer review grant program that would be aimed at cooperative research projects between STEM high schools and university research or research institutions, so that you have got partnerships. Thomas Jefferson High School here in Northern Virginia, which Chairman Wolf helped to create along with Tom Davis and the Fairfax County School Board, they have created the best high school in America and it is focused on of course science and technology education. What would, what is your reaction to the idea of creating a collaborative grant process where a school like TJ could work in conjunction with a research institution or a university research lab on projects that would then of course encourage the kids to focus in a particular area and go on to maybe go to the university?

Ms. LEVINE. Well I think that, I mean, I think that NSF really both in its education research programs and in its education innovation really plays a lead in competitive peer review and scientific review, and is really very well situated to let me say make those kinds of partnerships possible. And indeed, many of their programs have been based on that kind of premise. And I think when you look at the core R&D investment aspirations across all four divisions I think you will see that as the backbone in the planning. So I support what you have said.

Mr. CULBERSON. Okay, thank you.

Ms. LEVINE. Without supporting any specific project or program.

Mr. CULBERSON. I understand. But the whole idea of collaboration——

Ms. LEVINE. But the philosophy underlying that is I think is fundamental to the culture of science at NSF and the aspirations of

EHR to build evidence based programs and innovations to strengthen the pipeline at all levels.

Mr. CULBERSON. Thank you.

Mr. WOLF. I just want to state for the record that I cannot take any credit for starting Thomas Jefferson.

Ms. LEVINE. But it is nice.

Mr. WOLF. But it is a great school, and I think it is an interesting idea. And the committee will take a look——

Mr. CULBERSON. It occurred to me in visiting with the principal out there, Mr. Chairman, that to encourage more collaboration because the universities, and of course we have got to get more kids more into the sciences and mathematics——

Ms. LEVINE. Absolutely.

Mr. CULBERSON [continuing]. And engineering, et cetera. If I could ask quickly?

Mr. WOLF. Sure.

Mr. CULBERSON. What exactly does the American Education Research Association do?

Ms. LEVINE. It is——

Mr. CULBERSON. I am not familiar with you.

Ms. LEVINE. Ah, well, you should be. We will get together. It is the national scientific society of researchers across all fields of the study of education and learning. Most of our members are in research universities, colleges and universities, faculty who do research on these issues. And——

Mr. CULBERSON. But researching?

Ms. LEVINE. Education, education and learning issues throughout the life cycle.

Mr. CULBERSON. Okay.

Ms. LEVINE. So it is a scientific society in the field.

Mr. CULBERSON. Educational professionals studying what education techniques work best?

Ms. LEVINE. Well education and learning from fundamental and basic research on cognition and early childhood development through workforce development.

Mr. CULBERSON. Ah, okay. There we go. That is what I was looking for. Thank you very much.

Ms. LEVINE. We will follow up.

Mr. CULBERSON. Thank you.

Ms. LEVINE. Thank you.

Mr. WOLF. Great. Thank you. Thank you, ma'am. I appreciate your testimony. Paul Schechter, WFIRST Science Definition Team. Welcome.

THURSDAY, MARCH 22, 2012.

WFIRST

WITNESS

PAUL SCHECHTER, CO-CHAIR, WFIRST SCIENCE DEFINITION TEAM

Mr. SCHECHTER. Good afternoon. Chairman Wolf, Ranking Member Fattah, Mr. Culberson, thank you for giving me the opportunity

to testify about WFIRST, the Wide Field Infra-Red Survey Telescope.

In 2010 the National Academy of Sciences published *New Worlds, New Horizons*, its decadal survey of astronomy and astrophysics, giving guidance to government agencies on funding priorities for the coming decade. WFIRST was the highest priority for a space mission.

WFIRST is made possible by recent advances in infrared detector technology, something in which the U.S. is the undisputed world leader. The James Webb Space Telescope also exploits this technological advantage but WFIRST and Webb are otherwise very different. Where JWST is like a telephoto lens, WFIRST is like a wide-angle lens.

They have very different purposes. JWST will provide high resolution images of the most distant objects while WFIRST permits surveys for the rare and most interesting objects in the universe. Webb has 18 primary mirror segments, each of which is as big as WFIRST's primary mirror. But where Webb has an 8 million pixel imager, WFIRST has 144 million pixels.

WFIRST will observe 100 times the area that can be observed with Webb in a single pointing. This wide field capability would be used to complete the statistical census of extrasolar planets, to study the formation of massive black holes when the universe was only 10 percent of its present age, and to determine the cause of cosmic acceleration for the discovery of which three American astronomers were awarded the 2011 Nobel Prize.

In fiscal year 2012 NASA will spend a total of \$5.7 million on the WFIRST project, for the project study and science definition teams. This effort has produced simpler and less costly designs. Some of these include the newest generation of infrared detectors which would both increase the pixel count and reduce the cost. But the proposed NASA budget for fiscal year 2013 has zeroed out WFIRST.

I am here to request the restoration of funds so that the new designs and the new generation of infrared detectors can be brought to an appropriate level of technical readiness for a new start.

NASA is currently negotiating with the European Space Agency to provide advanced infrared detectors for a less capable wide field satellite called Euclid. A January, 2012 National Academy Committee report endorsed this action saying, "NASA should make a hardware contribution of approximately \$20 million to the Euclid mission to enable U.S. participation. This investment should be made in the context of a strong U.S. commitment to move forward with the full implementation of WFIRST in order to fully realize the decadal science priorities of the *New Worlds, New Horizons* report." I am happy to see NASA make this important yet relatively modest contribution to the Euclid mission. But I would hope NASA can also muster the resources to make the "strong commitment" to WFIRST also called for in the National Academy of Sciences report.

Thank you again for the opportunity to address the committee. I hope my testimony proves helpful.

[The information follows:]

Testimony of
 Dr. Paul L. Schechter
 William A.M. Burden Professor of Astrophysics
 Massachusetts Institute of Technology
 and
 Co-Chair, Science Definition Team
 Wide Field Infra-Red Survey Telescope (WFIRST)
 before the
 Committee on Appropriations
 Subcommittee on Commerce, Justice, Science and Related Agencies
 United States House of Representatives

March 22, 2012

Chairman Wolf, Ranking Member Fattah, distinguished Members of the Committee, thank you for the opportunity to testify about the Wide Field Infra-Red Survey Telescope, WFIRST. The National Academy's *New Worlds, New Horizons* 2010 decadal survey report (NWNH) ranked WFIRST as the highest priority "large" space mission for the coming decade. The NWNH report describes WFIRST as "an observatory designed to settle essential questions in both exoplanet and dark energy research, and which will advance topics ranging from galaxy evolution to the study of objects within our own galaxy." My request is to include \$8 million for WFIRST in the budget for NASA.

The 2010 decadal survey committee tailored its recommendations to the tight budgetary constraints forecast for the coming decade. It adopted a far more extensive and more conservative cost estimate methodology than previous decadal surveys. In an earlier decade, WFIRST might well have been classified as "medium-sized." It will nevertheless exploit US industrial expertise in infrared detectors to enable Nobel Prize-class science. For the past year, the WFIRST Science Definition Team has been working with NASA to improve the WFIRST design. The new designs under development are simpler and likely to be less costly than an interim design developed in 2011. I ask you for continued funding at the FY 2012 level of \$5.7 million, plus an additional \$2.3 million to work with industry to develop a new generation of infrared detectors that can both enhance the science output and decrease the ultimate cost of the WFIRST mission.

WFIRST is the highest priority space mission for the next decade: For the past six decades the US astronomical community has come together once every ten years under the auspices of the National Academy of Sciences to prioritize projects for the coming decade. NASA, NSF and DOE underwrite these surveys to guarantee that they have a complete and broadly based view of the opportunities for discovery. The 2010 Astronomy and Astrophysics Decadal Survey identified WFIRST, the Wide Field Infra-Red Survey Telescope, as its highest priority for a "large" space mission. This choice was

driven by the realization that several distinct astronomical sub-communities sought to build essentially the same telescope, albeit for very different purposes. But almost as important was that WFIRST was one of the smaller options for a “large” mission and that its technical readiness level was among the highest. This seemed prudent given the then-expected budgetary constraints.

The wide appeal of WFIRST to the astronomical community is illustrated by five “cornerstone” projects that anchor the mission design. These five cornerstone projects carry out the three science goals laid out in the NWNH report. Three of these projects address cosmic acceleration, which is referred to by Nobel Laureate Frank Wilczek as “the most mysterious fact in all of physical science, the fact with the greatest potential to rock the foundations.”

1) The history of cosmic acceleration using supernovae: The 2011 Nobel Prize was awarded to 3 Americans for the 1998 discovery that, contrary to expectation, the expansion of the universe is accelerating rather than decelerating. WFIRST will vastly improve upon their results, first by observing far greater numbers of supernovae and second by measuring their infrared brightnesses rather than their brightnesses at visible wavelengths.

2) The history of cosmic acceleration using galaxy clustering: There is a circular ripple in the observed distribution of galaxies that was frozen into the universe when it was less than one one-hundredth of a percent of its present age. One can measure the acceleration of the universe at different times in the past by measuring the size of this circular ripple. This technique is more accurate than the supernova method at times earlier than half the present age of the universe. The combination of the two methods provides a much more complete acceleration history.

3) Cosmic acceleration via weak gravitational lensing: There are two broad classes of explanations for cosmic acceleration. It might be due to a heretofore unidentified constituent of the universe (sometimes called “dark energy”), or it might be due to the breakdown of Einstein’s theory of general relativity. The breakdown of Einstein’s theory can be tested by measuring the distortion of the shapes of distant galaxies by intervening nearby galaxies. If general relativity *is* correct, this “weak” gravitational lensing gives the best measurements of cosmic acceleration at ages intermediate between those best measured by supernovae and those best measured by galaxy clustering.

4) Census of cool extrasolar planets: WFIRST will complete the statistical census of planetary systems in the Galaxy, from habitable Earth-mass planets to free floating planets, including analogs to all of the planets in our Solar System except Mercury. While more than two thousand extrasolar planets are known, the vast majority of these planets are much hotter than the Earth, because they orbit very close to their host stars. WFIRST will employ the gravitational lensing method, first developed by Einstein, to find planets down to the mass of Mars in orbits ranging from that of Venus to planets at

orbital distances beyond any of the Solar System's planets. In fact, WFIRST will also find rogue planets as small as Mars that have been ejected from the gravitational grip of their host stars. When combined with the hot planets found by Kepler, WFIRST will provide a complete census of extrasolar planets down to below an Earth-mass.

5) An infrared survey of our Milky Way: Perhaps 80% of the stars in our own Milky Way galaxy are hidden from view by intervening dust that absorbs their starlight. Dust absorption is much diminished at infrared wavelengths, permitting a more penetrating look into the depths of the Milky Way.

Beyond these cornerstone goals, roughly 20% of the observing time on WFIRST would be open to competition, drawing on the best ideas of US astronomers. Data acquired for the cornerstone projects would be archived and made broadly accessible. The weak lensing survey in particular promises to identify both the brightest galaxies in the early universe and the faintest stars close to the Sun.

Context: As with WFIRST, the James Webb Space Telescope (JWST) was the highest priority of a decadal survey and again like WFIRST, it exploits US leadership in infrared detector technology. But the two are otherwise as different as it is possible for two telescopes to be. Where JWST will act like a telephoto lens, enabling the deepest images of the universe, WFIRST will act like a wide-angle lens, giving a broad view. JWST's light gathering power comes from the 18 segments of its primary mirror. This dwarfs WFIRST's primary mirror, which is roughly equal in size to just one of these segments. But where the imager on JWST will have 8 million pixels, WFIRST will (coincidentally) have 18 times as many – 144 million pixels. With each pointing WFIRST will obtain images of a region 100 times as large as the JWST field of view. Ground-based astronomers have long recognized the need for such complementarity. Most of the world's major observatories have both large, deep-sky and smaller, wide-field capabilities. Only now have advances in infrared detector technology made it possible to put a wide-field infrared telescope in space.

In the time since the 2010 decadal survey the European Space Agency (ESA) has approved the Euclid wide field survey mission. Of the five cornerstone programs described above, Euclid will carry out only two. Europe does not produce comparable infrared detectors, so Euclid must work primarily at optical wavelengths. Upon the recommendation of a recent NRC panel, NASA and ESA are currently negotiating a modest US contribution of infrared array detectors to Euclid in return for access to Euclid data for US astronomers. These detectors would be used for the Euclid galaxy clustering survey but not for its weak lensing survey. The NRC panel strongly endorsed this participation but emphasized that the Euclid contribution to the decadal survey's goals for WFIRST will be limited at best. Quoting from the NRC report "NASA should make a hardware contribution of approximately \$20 million to the Euclid mission to enable U.S. participation. This investment should be made in the context of a strong U.S. commitment

to move forward with the full implementation of WFIRST in order to fully realize the decadal science priorities of the NWNH report.”

Progress since the decadal survey: The recommendation of the 2010 decadal survey was based on a design submitted in mid-2009. In December 2010 NASA appointed a Science Definition Team (SDT) to come up with a design reference mission for WFIRST. That team produced an interim report in July 2011 and will produce a final report in June 2012. The latest design is both simpler than that originally envisaged in the decadal survey and will produce better images. Moreover, advances in infrared imaging technology in the intervening three years make it possible to consider a mission with 50% more pixels, with a commensurate gain in science output. In concert with the Science Definition Team, the project study group, drawn from the Goddard Space Flight Center (GSFC) and the Jet Propulsion Laboratory (JPL), is working to bring both the new telescope design and the new generation of detectors to full maturity, “retiring” any outstanding risks that might be associated with either.

Is WFIRST a flagship mission? Although WFIRST will provide Nobel Prize-class science, it is not a flagship mission in the sense of the Hubble Space Telescope (HST) or JWST. The WFIRST telescope mirror is relatively small, with a 1.3 meter diameter primary mirror and only a single, wide field-of-view instrument, compared to the 4 instruments each on HST and JWST. The previous mission most similar to WFIRST is Kepler, which has a 1.4 meter diameter primary mirror and a single, wide field-of-view instrument, but which observes in the optical rather than the infrared. The WFIRST project should be run more like the Kepler mission, with a small, dedicated team developing the mission from an early stage.

WFIRST funding: NASA’s proposed FY 2013 budget has a line for WFIRST but no funding. This is not the “strong U.S. commitment to move forward with the full implementation of WFIRST” urged by the NRC Euclid panel. Indeed if NASA follows through on the recommendation of the NRC Euclid panel (which I supported and still support), it would put NASA in the curious position enabling and enhancing a European mission, Euclid, while putting the brakes on the highest priority recommendation of the decadal survey.

The 2010 decadal survey commissioned external Cost Assessments and Technical Evaluations (CATEs) for all of its major recommendations. The resulting figure for WFIRST was \$1.6B, including healthy margins for contingencies. The NWNH cost estimate methodology was far more conservative than that used by previous decadal surveys. The independent cost modeling, done by the Aerospace Corporation, was based on historical costs of previous missions. They estimate a 70% chance that WFIRST will cost less than estimated. The new mission designs under study by the WFIRST SDT and study team at GSFC and JPL are technically simpler, and may cost less than this once a full cost assessment is done. NASA’s FY 2012 expenditures for WFIRST will be roughly

\$5.7M. This funded the efforts of the Science Definition Team and of the project study teams at NASA's GSFC and JPL.

The estimated time from an official WFIRST new start to launch is 7 years, and a December 2010 NRC report recommends a launch by FY 2022, implying a new start in 2015. Fortunately, the optimal WFIRST schedule is for a low level of funding (for the large infrared focal plane) for the first few years, followed by an increase in funding as the JWST cost decreases just prior to its launch. This funding profile is therefore compatible with the future budgets anticipated for NASA.

While WFIRST could start immediately with the 2009 infrared detector technology considered by NWNH, a new generation of infrared detectors is approaching readiness that would make for a scientifically more powerful mission and perhaps a modest cost reduction. A NASA investment of \$2.3 million in FY 2013 to work with industry to help advance the technical readiness level of the new generation of 16 megapixel infrared detectors would yield a handsome return in science and perhaps savings.

FY 2013 funding request: A total of \$8 million is requested in FY 2013. This includes \$5.7 million for continuation of current WFIRST study work and an additional \$2.3 million for work on infrared detectors.

Thank you again for the opportunity to tell the committee about WFIRST. I hope that my testimony will prove helpful. I will be happy to answer any questions that you might have.

Mr. WOLF. Thank you very much. Mr. Fattah.

Mr. FATTAH. Thank you very much.

Mr. CULBERSON. Can I just ask a quick question?

Mr. WOLF. Sure.

Mr. CULBERSON. I am sorry. Very quickly, what are you all going to do with the telescope is to, will you be able to match up the observations of the microwave background radiation to the infrared? Is that what you are doing? Looking for the edge of the universe essentially, is that part of this?

Mr. SCHECHTER. This is not a single purpose telescope. It does many things. So my colleague Dave Bennett here is looking for exoplanets around other stars. We have Kepler, that gives us the hot exoplanets inside the Earth's orbit. But there are all those exoplanets outside the Earth's orbit and it will see those.

Mr. CULBERSON. I will visit with you afterwards. I do not want to postpone.

Mr. SCHECHTER. Yes.

Mr. CULBERSON. You just know you have got great friends on this committee that are all devoted to the sciences. And this was the top priority of the decadal survey in the category of telescopes, astronomy and telescopes?

Mr. SCHECHTER. Oh this was astronomy and astrophysics.

Mr. FATTAH. Astrophysics, right.

Mr. CULBERSON. Astrophysics, excuse me.

Mr. SCHECHTER. So this is one of the four science mission directorates.

Mr. CULBERSON. Okay, this was the top priority?

Mr. SCHECHTER. Yes.

Mr. CULBERSON. Thank you, sir. Sorry. I will ask after.

Mr. WOLF. Dr. Gary Coleman, American Society of Plant Biologists.

THURSDAY, MARCH 22, 2012.

NATIONAL SCIENCE FOUNDATION FISCAL YEAR 2013 BUDGET

WITNESS

GARY COLEMAN, AMERICAN SOCIETY OF PLANT BIOLOGISTS

Mr. COLEMAN. Chairman Wolf and members of the subcommittee, thank you for inviting me to testify on the National Science Foundation fiscal year 2013 budget. My name is Gary Coleman. I am an Associate Professor in the Department of Plant Science and Landscape Architecture at the University of Maryland. I appear before you today on behalf of the American Society of Plant Biologists and its approximately 5,000 members researchers and educators from across the United States and around the world. Our mission is to promote the growth of plant biology, communicate research in plant biology, and promote the interests of plant scientists.

ASPB, or the American Society of Plant Biologists, recognizes the difficult economic environment that our nation faces but believe that investments in scientific research will be a critical step to-

wards economic recovery and continued global competitiveness. Research in plant biology supported by National Science Foundation is helping to make fundamental contributions to the sustainable development of better foods, fibers, and fuel security, and environmental stewardship, and also enhancing the understanding of basic biological principles to underpin improvements and health and nutrition for all Americans.

Because of this, ASPB supports the request at the level of \$7.37 billion for the National Science Foundation in fiscal year 2013 and we believe these investments will help build a better future for our nation.

I would like to take just a moment to comment on my experience of how NSF funding can impact human capital. As part of a grant I have with NSF myself and colleagues have developed a summer training program for high school students and underrepresented students in the plant biology field. One of these participants who participated two years ago in this program, Ms. Chioma Ebiringa, is a young, articulate African American woman who I am proud to say is now a Ph.D. student working at the University of Maryland in my laboratory on developing sustainable methods for biofuel crop production. This is just one example of how NSF and the programs that NSF supports can impact the development and training of aspiring young scientists.

The National Science Foundation Directorate in Biological Sciences, also known as BIO, is a critical resource and provides 62 percent of the federal support for nonmedical basic life science research at U.S. academic institutions. Within BIO the plant genome research program has profoundly deepened our understanding of plant biology, biofuel crops, human nutrition, and the roles of plants in ecosystems, as well as investing in human capital. ASPB asks that the plant genome program be supported at the highest possible level.

Without significant and increased support for BIO and NSF as a whole promising fundamental research discoveries will be delayed and vital contributions across scientific disciplines will be postponed, thus limiting the nation's ability to respond to the pressing scientific problems that exist today and the challenges that are on the horizon. Additionally, the National Science Foundation is a major source of funding for education and training of the American scientific workforce and understanding how educational innovations can be most effectively implemented. ASPB encourages the subcommittee to support expansion of NSF's fellowship and career development programs, such as the postdoctoral research fellowships in biology, the graduate research fellowships, and the faculty early career development programs, and thereby provide continuity and funding opportunities for the country's most promising early career scientists.

America's challenges in agriculture, energy, and health cannot be fully resolved in a few years. They need continued attention and robust investment at federal research agencies. Despite the economic climate of today these investments will make an impact in our daily lives now and in the distant future. We cannot afford to delay these investments.

I thank you for considering my testimony on behalf of the American Society of Plant Biologists, and I will be happy to answer any questions.

[The information follows:]



American Society of Plant Biologists

Cultivating a better future through plant biology research

Official Written Testimony in support of the National Science Foundation's Fiscal Year 2013 Budget

Submitted to the Subcommittee on Commerce, Justice, Science, and
Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C.

Submitted by

Dr. Crispin Taylor, Executive Director, American Society of Plant Biologists
and

Dr. Gary Coleman, Member, American Society of Plant Biologists

March 16, 2012

On behalf of the American Society of Plant Biologists (ASPB), we submit this testimony for the official record to support the requested level of \$7.373 billion for the National Science Foundation (NSF) for Fiscal Year (FY) 2013. ASPB and its members recognize the difficult fiscal environment our nation faces, but believe that investments in scientific research will be a critical step toward economic recovery and continued global competitiveness.

ASPB would like to thank the Subcommittee for its consideration of this testimony and for its strong support for the research mission of NSF.

Our testimony will discuss:

- Plant biology research as a foundation for addressing food, fuel, environment, and health concerns;
- The rationale for robust funding for NSF to maintain a well-proportioned science portfolio with support for all core science disciplines, including biology; and
- The rationale for continued funding of NSF education and workforce development programs that provide support for the future scientific and technical expertise critical to America's competitiveness.

ASPB is an organization of approximately 5,000 professional plant biology researchers, educators, graduate students, and postdoctoral scientists with members in all 50 states and throughout the world. A strong voice for the global plant science community, our mission—achieved through work in the realms of research, education, and public policy—is to promote the

growth and development of plant biology, to encourage and communicate research in plant biology, and to promote the interests and growth of plant scientists in general.

Food, Fuel, Environment, and Health: Plant Biology Research and America's Future

Plants are vital to our very existence. They harvest sunlight, converting it to chemical energy for food and feed; they take up carbon dioxide and produce oxygen; and they are the primary producers on which all life depends. Indeed, plant biology research is making many fundamental contributions in the areas of energy security and environmental stewardship; the continued and sustainable development of better foods, fabrics, and building materials; and in the understanding of biological principles that underpin improvements in the health and nutrition of all Americans.

In particular, plant biology is at the interface of numerous scientific breakthroughs. For example, with high throughput experimental approaches facilitating extraordinary syntheses of information that are supported by the National Science Foundation, plant biologists are using computer science applications to make tremendous strides in our understanding of complex biological systems, ranging from single cells to entire ecosystems. Understanding how plants work will ultimately result in better and more productive crops, new sources of fuel, and the development of better medicines to treat diseases like cancer.

Despite the fact that foundational plant biology research—the kind of research funded by NSF—underpins vital advances in practical applications in agriculture, health, energy, and the environment, the amount of money invested in understanding the basic function and mechanisms of plants is surprisingly small. This is especially true considering the significant positive impact plants have on the nation's economy and in addressing some of our most urgent challenges, including food and energy security.

Understanding the importance of these areas and in order to address future challenges, ASPB organized the Plant Science Research Summit held in September 2011. With funding from the National Science Foundation, U.S. Department of Agriculture, Department of Energy, and the Howard Hughes Medical Institute, the Summit brought together representatives from across the full spectrum of plant science research to identify critical gaps in our understanding of plant biology that must be filled over the next ten years or more in order to address the grand challenges facing our nation and our planet. The grand challenges identified at the Summit include:

- 1) In order to feed everyone well, now and in the future, advances in plant science research will be needed for higher yielding, more nutritious varieties able to withstand a variable climate.
- 2) Innovations leading to improvements in water use, nutrient use, and disease and pest resistance that will reduce the burden on the environment are needed and will allow for increases in ecosystem services, such as cleaner air, cleaner water, fertile soil, and biodiversity benefits like pest suppression and improved pollination.
- 3) To fuel the future with clean energy, improvements in current biofuels technologies, including breeding, crop production methods, and processing that will help meet our nation's fuel requirements for the future are needed.

- 4) For all the benefits that advances in plant science bestow – in food and fiber production, ecosystem and landscape health, and energy subsistence – to have lasting, permanent benefit they must be economically, socially, and environmentally sustainable.

In spring 2012, a report from the Plant Science Research Summit will be published. This report will further detail priorities and needs to address the grand challenges.

Robust Funding for the National Science Foundation

The FY 2013 NSF budget request would fund the NSF at \$7.373 billion. *ASPB supports this request and encourages proportional funding increases across all scientific disciplines supported by the NSF.* As scientific research becomes increasingly interdisciplinary with permeable boundaries, a diverse portfolio at the NSF is needed to maintain transformational research and innovation.

NSF funding for plant biology specifically enables the scientific community to address cross-cutting research questions that could ultimately solve grand challenges related to a sustainable food supply, energy security, and improved health. This idea is reflected in the National Research Council's report *A New Biology for the 21st Century* and will be addressed comprehensively in the Plant Science Research Summit's report.

The NSF Directorate for Biological Sciences (BIO) is a critical source of funding for scientific research, providing 62 percent of the federal support for non-medical basic life sciences research at U.S. academic institutions and beyond. BIO supports research ranging from the molecular and cellular levels to the organismal, ecosystem, and even biosphere levels. These investments continue to have significant pay offs, both in terms of the knowledge directly generated and in deepening collaborations and fostering innovation among communities of scientists.

The Biological Sciences Directorate's Plant Genome Research Program (PGRP) is an excellent example of a high impact program that has laid a strong scientific research foundation for understanding plant genomics as they relate to energy (biofuels), health (nutrition and functional foods), agriculture (impact of changing climates on agronomic ecosystems), and the environment (plants' roles as primary producers in ecosystems). *The American Society of Plant Biologists asks that the PGRP be funded at the highest possible level and have sustained funding growth over multiple years to address 21st Century Challenges.*

Without significant and increased support for BIO and the NSF as a whole, promising fundamental research discoveries will be delayed and vital collaborations around the edges of scientific disciplines will be postponed, thus limiting the ability to respond to the pressing scientific problems that exist today and the new challenges on the horizon. Addressing these scientific priorities also helps improve the competitive position of the United States in a global marketplace.

Continued Support for NSF Education and Workforce Development Programs

The National Science Foundation is a major source of funding for the education and training of the American scientific workforce and for understanding how educational innovations can be most effectively implemented. The NSF's education portfolio impacts students at all levels, including K–12, undergraduate, graduate, and postgraduate. Importantly, the Foundation also offers programs focused on outreach to and engagement of underrepresented groups and of the general public.

The Integrative Graduate Education and Research Traineeship (IGERT) program is just one example of NSF's commitment to education. IGERT is successful in fostering the development of novel programs that provide multidisciplinary graduate training. As discussed above, it is at the intersections of traditional disciplines that the greatest opportunities for scientific advancement can be found. ***The American Society of Plant Biologists encourages expansion of the IGERT program in order to foster the development of a greater number of innovative science leaders for the future.***

Furthermore, ***ASPB urges the Subcommittee to support the FY 2013 request to expand NSF's fellowship and career development programs—such as the Postdoctoral Research Fellowships in Biology, the Graduate Research Fellowship (GRF) and the Faculty Early Career Development (CAREER) programs—thereby providing continuity in funding opportunities for the country's most promising early career scientists. Additionally, such continuity and the broader availability of prestigious and well-supported fellowships may help retain underrepresented groups in the science, technology, engineering, and mathematics (STEM) fields. ASPB further encourages the NSF to develop “transition” awards that will support the most promising scientists in their transition from postdoctoral research to full-time, independent, tenure-track positions in America's universities.*** The NSF might model such awards after those offered by the National Institutes of Health and initially championed by private philanthropies such as the Burroughs Wellcome Fund.

ASPB urges support for NSF to further develop programs aimed at increasing the diversity of the scientific workforce by leveraging professional scientific societies' commitment to provide a professional home for scientists throughout their education and careers and to help promote and sustain broad participation in the sciences. Discreet focused training and infrastructure support programs for Hispanic Serving Institutions, Historically Black Colleges and Universities, and Tribal Colleges and Universities remain vitally important, as they foster a scientific workforce that reflects the U.S. population.

ASPB urges support for education research that enhances our understanding of how educational innovations can be sustainably implemented most effectively in a variety of settings. NSF programs such as Transforming Undergraduate Education in STEM, Discovery Research K–12, and Widening Implementation and Demonstration of Evidence-based Reforms (WIDER) provide opportunities to expand NSF's research and evaluation efforts to address scale-up and sustainability. Additionally, investigating and supporting effective approaches toward rolling out across the K-16 continuum the new vision for undergraduate biology education articulated in the 2010 Vision and Change report are particularly valuable. Increasingly, the challenge is not only

to understand what works but to determine how it can be best put into practice. *ASPB encourages continued support for education research programs within NSF's Education and Human Resources portfolio with a focus on understanding how previous investments in educational strategies can be made most effective.*

Grand research challenges will not be resolved in a year, an administration, or a generation, but will take continued attention and investment at federal research agencies, such as the National Science Foundation, over decades.

Thank you for your consideration of our testimony on behalf of the American Society of Plant Biologists. Please do not hesitate to contact the American Society of Plant Biologists if we can be of any assistance in the future.

Dr. Crispin Taylor
Executive Director
American Society of Plant Biologists

Dr. Gary Coleman
Member
American Society of Plant Biologists
and
Associate Professor of Plant Science &
Landscape Architecture,
University of Maryland

Mr. WOLF. I thank you for your testimony. Mr. Fattah.

Mr. FATTAH. Thank you for your testimony.

Mr. WOLF. Jane Hawkins, with the American Mathematical Society.

THURSDAY, MARCH 22, 2012.

NATIONAL SCIENCE FOUNDATION FISCAL YEAR 2013 BUDGET

WITNESS

JANE HAWKINS, AMERICAN MATHEMATICAL SOCIETY

Ms. HAWKINS. Chairman Wolf, Ranking Member Fattah, Mr. Culberson, and members, I am Jane Hawkins, member of the board of trustees and Treasurer of the American Mathematical Society. I am also professor of mathematics at the University of North Carolina at Chapel Hill. AMS is a member organization of over 30,000 professional mathematicians. I am here today to request an fiscal year 2013 budget of \$7.37 billion for the National Science Foundation.

This investment will allow the NSF to continue to support innovative and transformational scientific research that fuels the American economy, upholds our national security, maintains our global competitiveness, and improves health and quality of life for millions of Americans. I would like to thank, first of all, the committee and especially the Chairman, Mr. Wolf, and Ranking Member Fattah, for past support of NSF. This support has been very important for maintaining our nation's scientific enterprise, which is critical for continued innovation and technological development.

Mr. Chairman, your efforts on behalf of NSF's budget during the conference for the fiscal year 2012 minibus appropriations bill was greatly appreciated.

Society has benefitted from many products, procedures, and methods resulting from NSF's supported research. I will give just one small illustration here. The study of partial differential equations, PDEs, is a field of mathematics that was born from attempts to understand physical problems such as a vibrating string or the spread of heat through material. It goes back to the 1700s and has developed into an extremely broad area of mathematics, with applications emerging each decade that are much more sophisticated than could have been imagined ten years earlier. Mathematicians were pushing their ideas into unknown territory when they came up with the underpinnings of many of today's applications.

At my home institution, the University of North Carolina Chapel Hill, NSF has played a large role in the development of students in PDEs on both the undergraduate and graduate levels. Professor Jason Metcalfe is a young research faculty member there, who recently won an NSF career award to train undergraduates throughout the academic year and to run a small summer school in special relativity, a field studied by Einstein 200 years after PDEs were first discovered. The research of this group is fundamental to the understanding of the stability of our universe and future space exploration.

Recent Ph.D. Benjamin Dodson works in Berkeley, California using PDEs to detect hidden objects. These results are used in medical imaging, oil exploration, and have military uses for detecting invisible objects with properties different from their surrounding medium. Modern studies of fluid flow, at first thought to be too difficult to study using PDEs, have led to much deeper understanding of weather prediction, water flow, and environmental clean up.

Nathan Pennington was supported at UNC on an NSF grant awarded to his advisor. In turn he is employed by the Eye Center at Kansas State University, which is funded by NSF money, and enables Nathan to train undergraduates alongside faculty and grads in an interdisciplinary environment studying properties of fluids of varying viscosities.

Anna Mazzucato, also a UNC/NSF supported Ph.D., is currently at Penn State University in an applied math group where she is deeply involved in applications of PDEs to answer questions about hidden objects when the boundaries are rough. So the object is difficult to disentangle from its surrounding environment. Her work has many potential applications.

This is just a small sample of three NSF-funded Ph.D. students in North Carolina who now train undergraduates and graduate students at large state universities in California, Pennsylvania, and Kansas in a field of fundamental importance to science and society.

As all the people who have testified before me have said, these are extremely difficult economic times and Congress continues to face the arduous task of reducing the federal budget. However, even in this fiscal environment we must continue to make investments in the future of our country and sustained federal support for scientific research and education is one of these investments. Thank you very much.

[The information follows:]

**Testimony of
Jane Hawkins Ph.D., Member of the Board of Trustees and
Treasurer of the
American Mathematical Society
On
FY 2013 Appropriations for the National Science Foundation
Before
The House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Congressman Frank R. Wolf, Chair
Congressman Chaka Fattah, Ranking Member**

Chairman Wolf, Ranking Member Fattah, and members of the committee, I am Jane Hawkins, member of the Board of Trustees and Treasurer of the American Mathematical Society (AMS) and a Professor of Mathematics at the University of North Carolina – Chapel Hill. AMS is a member organization of over 30,000 professional mathematicians. I am here today to request a FY 2013 budget of \$7.373 billion for the National Science Foundation (NSF). This investment will allow the NSF to continue to support innovative and transformational scientific research that fuels the American economy, upholds national security, maintains our global competitiveness, and improves health and quality of life for millions of Americans.

I would like to thank the Committee, especially the Chairman and Ranking Member, for past support of NSF. This support has been very important for maintaining our Nation's scientific enterprise, which is critical for continued innovation and technological development. The Chairman's effort in behalf of NSF's budget during the conference for the FY 2012 "minibus" appropriations bill is greatly appreciated.

These are difficult economic times and Congress continues to face the arduous task of reducing the federal budget deficit. However, even in this fiscal environment we must continue to make investments that will benefit our country in the future. Adequate, sustained federal support for scientific research and education is one of these investments, and NSF is the perfect agency through which investments in education and high value research can be made.

NSF is the only federal agency that supports research and education across all fields of science, engineering, and mathematics and at all educational levels. Research and education programs supported through NSF are fundamental for increasing and developing the knowledge base needed for pushing the frontiers of science, mathematics, and engineering disciplines, developing new fields of inquiry, and supporting technological innovation. Dependable funding will enable the scientific community to plan, develop infrastructure and create a manageable pipeline of graduate and postdoctoral students. Predictable funding patterns will facilitate a continuous stream of high level research and researchers.

In FY 2011 over ninety percent of NSF's budget went to support research and education projects in colleges and universities in all fifty states. The Agency evaluated over 51,000 proposals through its merit review process, funding over 11,000 of these proposals. This resulted in

a success rate of 22 percent, indicating how competitive it is to receive an NSF grant. With this level of difficulty in obtaining research support, researchers can become disillusioned with the grant process, especially young scientists, and leave the profession. This low success rate doesn't go unnoticed by undergraduate students who might consider going into scientific and engineering research.

Society has benefitted from many products, procedures, and methods resulting from NSF supported research, products such as Google, magnetic resonance imaging, arterial stents, and bar codes. These innovations have come out of inquiries in quite a different context, often just scientific discovery. Research of this kind is essential to breakthroughs relevant to our modern world even though at the time of discovery relevance is not even suspected. I will give one small illustration here. The study of partial differential equations is a difficult and abstract field of mathematics that was born from attempts to understand physical problems such as a vibrating string or the spread of heat through material. It goes back to the 1700's and has developed into an extremely broad area of mathematics, with applications emerging each decade that are much more sophisticated than could have been imagined ten years earlier. In other words, mathematicians were pushing their ideas into unknown territory when they came up with the underpinnings of many of today's applications.

At my home institution, the University of North Carolina at Chapel Hill, NSF funding has played a large role in the development of students in partial differential equations (PDEs), on both the undergraduate and graduate levels. Professor Jason Metcalfe is a young research faculty member there who recently won an NSF CAREER award to train undergraduates throughout the academic year and to run a small summer school in topics such as special relativity, a field first studied by Einstein two hundred years after PDEs were first discovered. The research of this group is fundamental to understanding the stability of our universe and future space exploration. As another example, recent Ph.D. graduate Benjamin Dodson works in Berkeley California on research related to using PDEs to detect hidden objects. These results are used in medical imaging, oil exploration, and have military uses for detecting an invisible object with properties different from its surrounding medium.

Modern studies of fluid flow, at first thought to be too difficult to study using PDEs, have led to a much deeper understanding of weather prediction, water flow, and environmental cleanup. Nathan Pennington was supported at the University of North Carolina on an NSF grant awarded to his advisor. In turn, he is employed by the I-Center at Kansas State University which is funded by NSF money and enables Nathan to train undergraduates alongside faculty and graduate students in an interdisciplinary environment, studying properties of fluids of varying viscosities.

Anna Mazzucato, also a UNC NSF-supported Ph.D. student is currently at Penn State University in an applied math group where she is deeply involved in applications of PDEs to answer questions about hidden objects when the boundaries are rough, so the object is difficult to disentangle from its environment. Her work has many potential applications.

This provides a small sample of how 3 NSF-funded Ph.D students in North Carolina are now involved in the training and education of undergraduate and graduate students at large state

universities in California, Pennsylvania, and Kansas in a field of fundamental importance to science and society.

Other NSF funded students from our university currently work at the National Security Agency, universities in states such as Texas, North Carolina, Oklahoma, and Virginia, software development companies, and an oil exploration company in California. One other student made the transition from math modeling of the spread of HIV to the hands-on application of the theory by becoming a research medical doctor. To summarize, each NSF grant gets leveraged to affect the lives of tens of thousands of Americans eventually. Some of the benefits are seen immediately while others develop slowly in universities over many years with applications hard to imagine a decade in advance, such as the invention of Google.

NSF accounts for 64 percent of federal support for academic research in the mathematical sciences and it is the only agency that supports mathematics research broadly across all fields. Mathematics research is primarily carried out in colleges and universities. Mathematics is not the only field that benefits from NSF funding. NSF accounts for over 80 percent of federal support for academic research in computer science; over 60 percent for non-medical and environmental biology, and social sciences; 59 percent for environmental sciences; 48 percent for physical sciences; and, 39 percent for engineering. Moreover NSF grants facilitate interdisciplinary collaborations to occur among these fields, which provide cross fertilization of clever ideas and move the frontiers of science forward.

NSF is a very important component of the U.S. scientific enterprise. I ask that the Committee give strong consideration to providing an FY 2013 budget of \$7.373 billion for NSF. Thank you for this opportunity to speak to you and for your support of NSF.

Mr. WOLF. Thank you very much for your testimony. Mr. Fattah. Mr. FATTAH. Thank you very much.

Mr. WOLF. Thank you. The next witness will be Christopher Lawson, Alabama EPSCoR.

THURSDAY, MARCH 22, 2012.

EPSCoR

WITNESS

CHRISTOPHER LAWSON, PH.D., EXECUTIVE DIRECTOR, ALABAMA EPSCoR

Mr. LAWSON. Mr. Chairman and members of the subcommittee, my name is Chris Lawson and I am a physics professor and also the Executive Director of Alabama EPSCoR, the Experimental Program to Stimulate Competitive Research. Thank you for this opportunity testify about NSF EPSCoR and NASA EPSCoR.

For fiscal year 2013 we respectfully request that you fund the administration's NSF EPSCoR budget request for \$158 million and NASA EPSCoR at the authorized amount, \$25 million.

Congress established the EPSCoR program to ensure that research universities in all states participate in and benefit from federal science and technology activities. Although EPSCoR states have 20 percent of the nation's population, and close to 25 percent of their doctoral research universities, these states only receive about 10 percent of federal research outlays. EPSCoR provides a mechanism to address those geographical imbalances.

The program has been a huge success. Investments have generated growth in state economies, attracted students in the STEM fields, and created a broader base of high tech research expertise.

NSF EPSCoR provides cofunding for meritorious proposed research in EPSCoR states and by infrastructure improvement awards that support academic research infrastructure and cyberinfrastructure improvements in areas critical to the state's high tech economic development. NSF EPSCoR infrastructure funding is matched by the states to leverage the federal investments.

In my home state of Alabama NSF EPSCoR funding has generated revolutionary advancements in science and engineering that have led to new business growth and high paying jobs. NSF EPSCoR funding has been vital for connecting students to STEM ideas and research and introduced more than 2,000 students across Alabama to these science, technology, and engineering concepts in one year alone.

In a time when the President and Congress are working to engage students in STEM fields it only makes sense to build on this success and continue to fund the NSF EPSCoR program at the administration's budget request of \$158 million. This will ensure that states such as Alabama continue to develop a robust research infrastructure so they can compete for federal research grants and continue to prepare a skilled high tech workforce capable of delivering innovation in the future.

Congress designed NASA EPSCoR to increase the research capacity of states with limited NASA R&D funding in areas related to NASA's mission. NASA EPSCoR funds both grants for research

infrastructure development and to seed research in critical research areas. Together they attract students in the STEM fields, allow more states to participate in NASA research enterprise, and provide opportunities for high tech economic growth in local communities nationwide. Like the NSF EPSCoR program, states help increase the federal benefit by matching funds.

Funding the NASA EPSCoR program at the congressionally authorized level of \$25 million is truly a win-win program for states in our nation. At a time of economic challenges and tight budgets, programs like EPSCoR that seek a broader distribution of research funding make solid fiscal sense. Limiting these resources to a few states and institutions is self-defeating for our nation in the long run. NSF and NASA EPSCoR help all states to benefit from taxpayer investments and federal research and development, and they generate long term growth and a skilled workforce for the future. NSF and NASA EPSCoR stretch limited federal dollars further through state matching. Not only do states benefit from increased research capacity and growth, but our nation benefits from the rich and diverse pool of talent that our entire country can provide.

In a time that 33 percent of all bachelors degrees in China are in engineering, compared to 4.5 percent in the U.S., if we are going to remain globally competitive instead of restricting ourselves to a few states and institutions we need to be training and harnessing all of our nation's brainpower and EPSCoR is working to achieve this goal. Thank you for inviting me.

[The information follows:]

Testimony of Christopher M. Lawson, Ph.D.
Executive Director, Alabama EPSCoR
Director of the Graduate Research Scholars Program
Professor, Department of Physics, University of Alabama at Birmingham
Submitted to the House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

March 22, 2012

Mr. Chairman and Members of the Subcommittee, my name is Chris Lawson and I am the Executive Director of the Alabama Experimental Program to Stimulate Competitive Research (EPSCoR). I am also a professor of physics at the University of Alabama at Birmingham (UAB). Thank you for this opportunity to testify today regarding the National Science Foundation's (NSF) and the National Aeronautics and Space Administration's (NASA) EPSCoR programs. For Fiscal Year 2013, we respectfully request that you fund the Administration's budget request for NSF EPSCoR of \$158 million, and fund the NASA EPSCoR program at the authorized amount, \$25 million.

Congress established the EPSCoR program to ensure that research universities in all states participate in and benefit from Federal science and technology activities. Although EPSCoR states have 20% of the nation's population, and close to 25% of its doctoral research universities, these states only receive about 10% of the Federal research outlays. EPSCoR provides a mechanism to address these geographical imbalances. The program has been a huge success—investments have generated growth in state economies, attracted students into STEM fields, and created a broader base of research expertise available to the agencies to meet their missions.

Ensuring that we have a national research community and strengthening the EPSCoR program is, in my opinion, more important than ever. In an increasingly competitive world, we need the talents and expertise of all our states and people. The EPSCoR states have provided a sizeable number of our nation's scientists and engineers and supported our nation's industries and government activities from the Corps of Engineers projects to space launches. We need to continue this work.

When our nation seeks a broader geographic distribution of research funding through a program like EPSCoR, our states are more economically viable locally and regionally. Several states have noted that the development of research concentrations and business clusters has led to increased economic activity and new jobs. In a knowledge-based society, where technology changes rapidly, it is essential that faculty in all parts of the nation are engaged in research that

keeps them current in their field and provides students with the latest scientific advances. Today, the opportunities for our citizens to benefit from scientific and technological developments are perhaps greater than ever before. At the same time, investments in equipment, computing, networking, expertise and other resources requires far more resources than it has in the past. Limiting these resources to a few institutions is self-defeating for our nation -- and 27 states -- in the long run. To remain globally competitive, instead of restricting ourselves to a few states and institutions, we need to be training and harnessing all of our nation's brainpower.

NSF EPSCoR is a proven program that Congress created with the stated goals of "providing strategic programs and opportunities for EPSCoR participants that stimulate sustainable improvements in their R&D capacity and competitiveness, and advance science and engineering capabilities in EPSCoR jurisdictions for discovery, innovation, and overall knowledge-based prosperity." There are currently 27 states and 2 jurisdictions that participate in EPSCoR.

NSF provides funding through the EPSCoR Research Infrastructure Improvement (RII) awards. These awards are divided into two tracks—track-1 awards provide up to \$4 million annually to support academic research infrastructure improvement in R&D areas critical to a state's competitiveness and economic development. Track-2 awards provide up to \$2 million annually to support enhancements in the development of broadband connections and cyberinfrastructure components of EPSCoR states to promote cyberinfrastructure based research and education. Importantly, NSF EPSCoR funding is matched by the states, and in this way the states are helping to leverage Federal investments to deliver results.

In my home state of Alabama, NSF EPSCoR funding has generated revolutionary advancements in science and engineering that have led to new business growth and high-paying jobs. For example, EPSCoR funded research at UAB has seeded the development of a new class of ultra-sensitive laser sensors that can be used to detect and characterize environmental toxins from spills caused by natural disasters. The same technology could ultimately be used for medical diagnosis of diseases such as lung cancer by the rapid analysis of the breath of patients during routine visits to the dentist. This new technology led directly to the creation of a new startup company in Alabama that generated several million dollars of extramural funding.

As another example, current composite materials are petroleum based with synthetic fibers that require large amounts of energy to produce. NSF EPSCoR funded research at Tuskegee University has led to advanced green composites that use plant oil based polymers and fibers. These materials will lead to reduced dependency on fossil fuels, and because they are biodegradable, they will not have to end up in landfills like traditional composite materials.

NSF EPSCoR dollars have also been central to the dissemination of STEM ideas to students, teachers, and industry officials. EPSCoR infrastructure programs introduced more than 2,000 individuals across Alabama to science and technology concepts in one year alone. In a time when the President and Congress talk about the urgency of getting more of our students engaged in STEM fields, it only makes sense to build on this success and continue to fund the NSF EPSCoR program.

The Administration's budget request this year of \$158 million for NSF EPSCoR will ensure that states such as Alabama continue to develop a robust research infrastructure so that they can compete for Federal research grants and continue to prepare a skilled, "high tech" workforce capable of delivering innovation in the future.

For NASA EPSCoR in FY 2013, we respectfully request the Congressionally-authorized amount of \$25 million. Like its NSF companion, Congress designed NASA EPSCoR to increase the research capacity of states that traditionally have had limited NASA R&D funding. The program helps states compete for funding in areas that are directly relevant to NASA's mission in earth and space science, human spaceflight, and aerospace technology.

NASA EPSCoR uses two funding mechanisms to carry out the program. The first, the Research Infrastructure Development Cooperative Agreement Awards (RID), provide up to \$125,000 to participating states to improve research capacity. The second, the Research Implementation Awards (Implementation), allocate up to \$750,000 over a 3-year period for research projects. Together, they attract students into STEM fields, allow more states to participate in NASA's research enterprise, and provide opportunities for high tech economic growth in local communities nationwide. Like the NSF EPSCoR program, states help increase the Federal benefit by matching funds. It is truly a "win-win" program for states and our nation.

In Alabama, NASA EPSCoR funding has allowed researchers in the state to team up with officials at the Marshall Space Flight Center to work on solutions for our nation's space program. EPSCoR researchers are developing shape alloys, a unique and revolutionary class of materials that can recover from structural loads. These materials have the potential for future applications in higher temperature applications, such as those used in aerospace. The research that the program funds enhances Alabama's capabilities and also contributes to NASA's mission.

As another example, NASA EPSCoR research at the University of Alabama on fluid dynamics has the potential to reduce airflow drag by 30%. A 1% reduction in drag can save an airline company \$100,000 to \$200,000 in fuel per year per aircraft. Thus, this research could ultimately reduce the nation's dependency on fossil fuels, CO2 emissions into the atmosphere, and costs.

Our request to fund the NASA EPSCoR program at the Congressionally-authorized level of \$25 million would allow NASA to maintain the RID awards at \$125,000 per year for participating states and provide additional Implementation grants to seed important national research. With this program, the funding level directly impacts the number of research grants that can be awarded in a single year. Since the purpose of the program is to broaden the research base, the more research grants that can be funded, the better.

At a time of economic challenges and tight budgets, programs like EPSCoR make solid fiscal sense. The program allows all states to benefit from taxpayer investments in Federal research and development, and they help generate long-term growth and a skilled workforce for the future. NSF and NASA EPSCoR stretch limited Federal dollars further through partnerships with the states. Not only do states benefit from increased research capacity and growth, but our nation benefits from the rich and diverse pool of talent that our entire country can provide.

Thank you for inviting me to testify before the subcommittee today.

Mr. CULBERSON [presiding]. Thank you very much, Mr. Lawson. Mr. FATTAH. Let me also thank you and again mention that even though we are not dealing with a lot of questioning right now we will obviously follow up. Thank you.

Mr. LAWSON. I will be happy to answer your questions.

Mr. CULBERSON. I am going to reiterate this to everybody here, you are talking to friends here. This committee strongly supports the sciences. We are delighted to have you, and we know how much time and difficult it took out of your schedule to get here. We are happy to welcome James Brown, the Executive Director of the STEM Education Coalition. Thank you, sir.

THURSDAY, MARCH 22, 2012.

NATIONAL SCIENCE FOUNDATION FISCAL YEAR 2013 BUDGET

WITNESS

JAMES BROWN, EXECUTIVE DIRECTOR, STEM EDUCATION COALITION

Mr. BROWN. Thank you, Mr. Culberson, Mr. Fattah. And thank you for the opportunity to testify here today. Our coalition of more than 500 education, business, and professional organizations is a broad and unified voice in advocating for policies to promote STEM education at all levels, from kindergarten to career and in school and out of school. It is our pleasure to offer views on the fiscal year 2013 appropriation for the National Science Foundation and its Education and Human Resources Directorate.

As we have talked about already, STEM education is closely linked with our nation's economic prosperity. We all know this. Strong STEM skills are also essential to a well rounded education for those who do not work in STEM fields, and it is an essential part of effective citizenship in the 21st Century. We strongly advocate that STEM education must be elevated as a national priority as reflected through education reforms, policies to drive innovation, and federal and state spending priorities.

Our coalition has always looked at the NSF, to your point Mr. Culberson, as the lead agency in the federal government to develop the tools and educational innovations that will address challenges in STEM education. It is the one agency that brings together the research basis of the STEM fields and educational practice. NSF is also the premier agency for support of research on learning and curriculum development at the undergraduate and graduate levels.

One of the longstanding concerns of our coalition has been that some on Capitol Hill seem to regard the educational mission of NSF as being secondary to its research mission. We do not see it that way at all. Education, research, and innovation are intimately connected. To this end we strongly support NSF's efforts to integrate STEM research in education. In fact, without a well education cadre of students who will become the future scientists, engineers, and principal investigators, research investments will not reach their full potential.

Let me briefly outline several specific observations on the budget request for EHR. Overall, we support the administration's proposed

funding level of \$875 million for the EHR Directorate, an increase of about 5.6 percent over last year. This funding level would help reverse a recent trend to underfund EHR vis-à-vis the other NSF directorates. Our coalition has long supported the math and science partnerships and Noyce Teacher Scholarship Program as integral parts of EHR's mission to support research into best practices and professional development and teacher education. We hope these programs continue intact.

We strongly support efforts to more closely integrate the work EHR with related programs at the Department of Education. Effective coordination between these two agencies is critical. In particular we support joint initiatives between the two agencies that are focused on developing, evaluating, and scaling up proven practices to improve learning in STEM subjects.

We also support expanding efforts to effectively disseminate and share the proceeds of EHR's research into STEM best practices more broadly, especially with state and local entities. And we appreciate the subcommittee's ongoing interest and leadership in this area.

Turning to another matter, we hope that proposed changes to EHR's informal science programs will not compromise the Foundation's commitment to supporting innovation in the out of school space, an area for which EHR has long been a leader.

Finally, we encourage the subcommittee's continuing efforts to ensure that STEM education programs across the federal agencies, including those at NSF, are focused on producing sound results that will contribute to student achievement and better preparation. In other words, we want you to take a close look at how these programs are spending their money in light of what you said, Mr. Wolf.

We have also closely followed the efforts undertaken on this issue by GAO, the White House Office of Science and Technology Policy, and the Education and Workforce Committee, and will continue to do so.

And finally, as a fellow Penn State alum thank you for the opportunity to address the committee.

[The information follows:]

**Testimony of the STEM Education Coalition
to the
House Committee on Appropriations Subcommittee on Commerce, Justice, Science, and
Related Agencies**

Submitted by:
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March 21, 2012

The Science, Technology, Engineering, and Mathematics (STEM) Education Coalition represents the broadest and most unified voice in advocating for policies to improve STEM education at all levels. As an alliance of more than 500 business, professional, and education organizations, our Coalition works aggressively to raise awareness in Congress, the Administration, and other organizations about the critical role that STEM education plays in enabling the U.S. to remain the economic and technological leader of the global marketplace of the 21st century. **Our Coalition supports robust funding for the National Science Foundation's Education and Human Resources Directorate.** We also appreciate the opportunity to offer our views on this appropriation as well as on other issues related to STEM education that fall under the Subcommittee's purview.

The STEM Education Coalition's broad alliance advocates on behalf of policies to encourage and inspire more of our best and brightest students, especially those from underrepresented or disadvantaged groups, to study in STEM fields; improve the content knowledge and professional skills of the STEM educator workforce; recruit and retain highly-skilled STEM educators; improve the resources available for learning STEM subjects; and facilitate better coordination of efforts among federal agencies that provide STEM education programs.

Over the past several years, Congress has repeatedly demonstrated strong bipartisan support for increased investments to strengthen the U.S. STEM education pipeline. While we recognize the difficult choices that Congress faces in controlling the growth of federal deficits, debt, and spending, we are also concerned that some in the House and Senate would seek to significantly reduce funding for STEM education programs at the National Science Foundation (NSF), which have an adverse effect on U.S. competitiveness and on the ability of American students to compete in the global technological economy of the future.

The NSF has long-served as a catalyst for STEM education reform. NSF's Education and Human Resources (EHR) Directorate seeks to advance discovery and innovation at the frontiers of STEM learning and teaching; support the testing, assessment, study and evaluation of highly innovative models and approaches to learning; foster linkages between STEM education research and practice; and serve as the intellectual nexus that unites education research and evaluation activities across the Foundation and with other federal agencies. In short, NSF's EHR programs make the rest of the Federal government's investments in STEM education programs more effective and efficient.

For many years our Coalition has urged NSF to take a more proactive role in working to disseminate the knowledge embodied in their grant-funded educational programs into practice so that the best new educational strategies and materials can be produced and available to K-12 educators. One example is the recent NSF initiatives with the NRC report, *Successful K-12 STEM Schools*.

Our Coalition also supports the effective partnerships and work being done between the agency and the Department of Education on key STEM initiatives. The work of these two agencies is fundamental to the success of STEM education. We also support the current comprehensive efforts underway by the OSTP to streamline the federal STEM education programs at NSF, the Department of Education and the mission agencies. The STEM Education Coalition has strongly advocates that the federal agencies with STEM programs coordinate, evaluate, and review all such programs on a regular basis to ensure that effective programs are scaled up and that underperforming programs are improved or eliminated.

We encourage the Subcommittees continuing efforts to aggressively pursue its oversight role in ensuring that STEM education programs across the federal science agencies are focused on producing sound results that will contribute to student achievement.

Finally, as the Subcommittee looks to foster the improvement of educational programs at the National Science Foundation and at other federal science agencies under its jurisdiction, we would like to offer a number of broader policy recommendations related to STEM education:

- Our Coalition supports an inclusive definition of the term “STEM” education by federal programs that is not limited to math and science, but embraces each STEM discipline and its unique needs.
- Our Coalition supports efforts to expand the diversity of the STEM pipeline and workforce, including targeted initiatives to promote the inclusion of underrepresented minorities and women in STEM fields.
- Our Coalition supports a strong emphasis in learning environments on hands-on, experiential, inquiry-based and learner-centered student experiences and activities, including engineering design processes.

- Our Coalition supports incentives to promote business community engagement in STEM education activities at every level, including tax incentives for donations of equipment, training and services, and access to facilities.
- Our Coalition supports integration of STEM-focused activities in federal programs directed at learning environments outside the K-12 classroom, such as afterschool and summer community-based programs, universities and other higher education entities, community colleges, and workforce and job training programs.

We thank you for the opportunity to offer these recommendations and for your consideration.

Mr. WOLF. Do you think there should be one central repository?

I think, honestly I think that is not possible in the digital age that we live in. It does not make sense to centralize everything, or to sort of try and direct how to get one stop shopping in scientific research. Because you have got journals, you have got databases, you have got lots of ways to find out what is working. I guess that, maybe to find, like the NSF, and I do not want to take a lot of time. I am keeping people and they are lining up out there. But we had NSF do a study whereby why do young people, fifth grade and below, decided to go into sciences versus law. We do not need any more lawyers. We need the scientists. Young people intern in my office, they all want to be lawyers. So they have done this study and I do not know that it ever really got out. And I just wonder if there should be something, not one stop shopping, but what works and does not work, and something like that that they can go to. That every teacher can go to, every administrator can go to. That is what I was thinking of, more from that—

Mr. BROWN. Well truthfully ten or 15 years ago the NSF thought that this was a more important priority than it has been in the time since, and partially it is because of the budget pressures on NSF. If you talk to the program officers they are concerned about spending money on conferences and other things that will disseminate those things. I think you sort of sent the signal with the NRC study and other things that you want that to change and I think that is the signal that needs to be sent to NSF. I mean, it is really the subcommittee's purview to say, "Spend your money making sure people know what you are doing."

Mr. WOLF. Well thank you very much. Mr. Fattah.

Mr. FATTAH. Thank you. And that then requires not to have the IG beating them up about how much they spent on coffee and donuts at conferences. But I agree. Thank you, Mr. Chairman.

Mr. CULBERSON. Briefly? Another thing also is, we know what works. I mean, I always wonder how many times we are going to study this, to go out and do studies on what works. We really support what you are doing and are delighted that you are here, and of course are going to support NSF. But just for food for thought, we know what works. These programs are going on all over the country and Frank has got one right here in his backyard that works beautifully at Thomas Jefferson High School. But we really appreciate what you are doing. Thank you.

Mr. WOLF. Thank you very much. The last witness in this round is Ford Bell, American Association of Museums. Welcome, sir.

THURSDAY, MARCH 22, 2012.

STEM EDUCATION

WITNESS

FORD BELL, PRESIDENT, AMERICAN ASSOCIATION OF MUSEUMS

Mr. BELL. Thank you, Mr. Chairman. I am Ford Bell, the President of the American Association of Museums. And I am a veterinary oncologist by training, not a lawyer, Mr. Chairman. I just want you to know.

The American Association of Museums represents museums of all kinds, including the Manassas Battlefield and Park in your own district.

Mr. WOLF. I love museums.

Mr. BELL. It is a great museum. The Academy of Natural Sciences in Ranking Member Fattah's district, and the Houston Museum of Natural Science in Representative Culberson's district, all great museums.

Mr. WOLF. I used to go to the Franklin Institute about four or five times a year. I love museums. I go to all the Smithsonian ones.

Mr. BELL. Right. Well museums are very much involved in STEM education, which is the point here today, and I am here on behalf of the larger museum community, which includes the Association of Zoos and Aquariums, the Association of Children's Museums, the Association of Science Museum Directors, and the Association of Science and Technology Centers to request that the subcommittee continue making the critical investment in the National Science Foundation's Information Science Education Program, soon to be renamed the Advancing Information STEM Learning Program.

This important program received \$61.4 million in fiscal year 2012 and the President has proposed a 22 percent reduction for fiscal year 2013, which would turn the clock back on the urgent need to get our kids hooked on science.

Our public education system is undergoing massive change and the growing consensus is that the future of education will be about helping kids develop a core set of skills which are critical thinking, the ability to synthesize information, creativity, collaboration, and the ability to innovate. And visiting a museum offers the perfect opportunity to develop those skills. And what better way to bring science to life for our young people than visiting a science center, a public garden, a zoo, or aquarium.

In 2009 the National Research Council of the National Academies explored whether people learn science in non-school settings and the answer was a clear yes. They found that museums, science centers, zoos, aquariums, and environmental centers are places where people can pursue and develop science interests and engage in science inquiry. The study also found that informal learning in museums can have a significant impact on the science learning outcomes for those who are historically underrepresented in science.

So a few examples of STEM education, a \$3 million ISE grant supports Urban Advantage, a five-year collaboration that brings that Denver Museum of Nature and Science, the Denver Botanic Gardens, and the Denver Zoo, all accredited institutions, together with three local school districts to improve science literacy among middle school students. It provides hands on experiences, makes expert scientists available to teachers, students, and parents, and gets families involved in the learning process.

In Philadelphia the AMA accredited Franklin Institute, and the Free Library of Philadelphia got a \$1 million ISE grant to develop an innovative afterschool program that engages children and families in science and literacy. This program, called Leap Into Science, uses hands on activities to introduce science to a whole new generation and to make it fun. The program reaches diverse audiences

and underserved families and makes science accessible to thousands of Philadelphians.

In California \$1.2 million ISE grant allows the Exploratorium in San Francisco to work with UC Santa Cruz and Kings College in London on a five-year project to shape the future of informal science education and prepare science educators to maximize the link between formal and informal science learning.

Once again, I appreciate the opportunity to testify today. I encourage you to support NSF's Information Science Education. And I encourage you to do some field research in your districts by visiting some of the wonderful museums that you represent. And I am more than happy to help arrange any of those visits for you. So thank you very much for the opportunity.

[The information follows:]

Testimony by
Dr. Ford W. Bell,
President of the American Association of Museums,
to the House Appropriations Subcommittee on Commerce, Justice, Science,
and Related Agencies
March 22, 2012

The American Association of Museums (AAM) appreciates the opportunity to testify today in support of the programs of interest to museums that are funded by the Commerce, Justice, and Science Subcommittee on Appropriations, and in particular, the **Informal Science Education (ISE)/Advancing Informal STEM Learning (AISL) program at the National Science Foundation (NSF)**. We urge the Subcommittee to provide \$61.4 million, equal to the FY 2012 funding level, and reject the President's budget request which called for only \$47.82 million for FY13, a significant, 22% decrease from the FY 2012 level.

The American Association of Museums represents the full range of our nation's museums – including aquariums, arboreta, archaeological museums, art museums, botanical gardens, children's museums, culturally specific museums, historic sites, history museums, maritime museums, military museums, natural history museums, nature centers, planetariums, presidential libraries, science and technology centers, zoological parks, and other specialty museums – along with professional staff and volunteers who work for and with museums. AAM is proud to work on behalf of the 17,500 museums that employ 400,000 people, spend more than \$2 billion on educational programming, and contribute more than \$20 billion to local economies.

One of society's greatest challenges is determining how to engage the next generation in the sciences. Museums offer the perfect learning environment – where science, technology, engineering, and mathematics (STEM) education is brought to life through activities and experiences that build a lifetime of interest and enthusiasm for the sciences.

There is a growing consensus that whatever the new educational era looks like, it will focus on the development of a core set of skills: critical thinking, synthesizing information, ability to innovate and think creatively, and collaboration. And museums are uniquely situated to help learners develop these core skills. Millions of Americans of all ages and backgrounds already learn about STEM each year by visiting museums, science centers, public gardens, zoos, and aquariums.

In 2009, the National Research Council of the National Academies released a report entitled *Learning Science in Informal Environments: People, Places, and Pursuits*, which found:

- “Each year, tens of millions of Americans, young and old, explore and learn about science by visiting informal learning institutions, participating in programs, and using media to pursue their interests.”

- “Do people learn science in nonschool settings? This is a critical question for policy makers, practitioners, and researchers alike – and the answer is yes.”
- “Designed spaces – including museums, science centers, zoos, aquariums, and environmental centers – can support science learning. Rich with real-world phenomena, these are places where people can pursue and develop science interests, engage in science inquiry, and reflect on their experiences through sense-making conversations.”
- “Virtually all people of all ages and backgrounds engage in informal science learning in the course of daily life. Informal environments can stimulate science interest, build learners’ scientific knowledge and skill, and – perhaps most importantly – help people learn to be more comfortable and confident in their relationship with science.”
- “Informal environments can have a significant impact on science learning outcomes for those who are historically underrepresented in science.”

NSF is providing crucial funding to support museums’ educational missions and efforts to improve STEM education.

The mission of NSF’s Directorate for Education and Human Resources (EHR) is to achieve excellence in U.S. STEM education at all levels and in both formal and informal settings in order to support the development of a diverse and well-prepared workforce of scientists, technicians, engineers, mathematicians and educators and a well-informed citizenry that have access to the ideas and tools of science and engineering. The purpose of these activities is to enhance the quality of life of all citizens and the health, prosperity, welfare and security of the nation.

EHR’s Informal Science Education (ISE) program – funded at \$61.4 million in FY12 – supports innovation and lifelong learning through investments in research, development, infrastructure, and capacity-building for STEM learning outside formal school settings. Like all NSF programs, ISE invests in conferences, symposia, workshops, and five types of projects: Research; Connecting Researchers and Public Audiences; Pathways; Full-Scale Development; and Broad Implementation. Museums are among those institutions who have been awarded highly-competitive NSF funds.

In addition to Informal Science Education, the Directorates for Biological Sciences; Education and Human Resources; Geosciences; and Social, Behavioral & Economic Sciences have all supported museums in the areas of field and collections-based research, collections improvements and digitization, database development, and educational programming. Museum exhibitions and educational programs and resources are built on a firm foundation of research, and museum researchers are making major original contributions to the understanding of important issues such as changes in climate, environments, biodiversity, and human culture. I urge the Subcommittee to fully fund these important directorates.

Following are three examples of how NSF-ISE is helping museums provide increased access to their unique resources and fulfill their potential in educational improvement.

Example #1: Denver Museum of Nature and Science/Denver Botanic Gardens/Denver Zoo

Museums across the country have been and are continuing to forge long-term partnerships between cultural institutions and local school districts. One such innovative program is the “Urban Advantage” program (see www.urbanadvantagedenver.org), a collaboration between the AAM-accredited Denver Museum of Nature and Science, the AAM-accredited Denver Botanic Gardens, the AZA-accredited Denver Zoo, and three local school districts. Supported by a \$3.27 million ISE grant, this five-year collaboration is modeled after a partnership between the AAM-accredited American Museum of Natural History and the New York City Department of Education.

The goal of the Denver collaboration is to improve science literacy among middle-school students in urban environments. School groups and families are encouraged to visit each partner institution to inspire long-term class experiments. For example, a recent project examined saber-tooth tigers using research from the Denver Museum of Nature and Science. This project and many others were displayed at a 2011 Science Day. The museum engages the entire family in hands-on demonstrations such as learning about bird bones by building models of hollow bones and testing their strength. The project has also aggressively promoted communications between the partners, with the museum, zoo and gardens maintaining a help line that links teachers, students and parents directly to staff scientists. E-mail questions are routed directly to the scientist and researcher whose work is most closely aligned with a given project, whether it is horticulture or public health.

The NSF grant also enables educators to work with evaluators to study the long-term impact of this collaboration between formal and informal institutions. Focus groups, teacher observations and links to state testing will provide data to help evaluate how projects such as this can contribute to the learning landscape.

Example #2: The Franklin Institute Science Museum/Free Library of Philadelphia

LEAP into Science is a partnership between AAM-accredited The Franklin Institute Science Museum and the Free Library of Philadelphia that engages children and families in science and literacy by integrating hands-on science activities with children's literature. This effort is supported by a \$1.2 million 5-year ISE grant which was awarded to build a model museum/library partnership to promote science and literacy.

The Franklin Institute's strength in science programming and the Library's expertise in children's literature result in an innovative afterschool program connecting books and science. The library environment is an ideal setting for informal science programs. With ready access to books and the Internet, and a desire to support kids' scientific exploration, libraries can provide educational science opportunities for children and families during afterschool hours and on evenings or weekends. *LEAP into Science* aims to inspire exploration and questioning, providing opportunities for children and families to think

like scientists and investigate scientific phenomena with familiar materials and relevant children's fiction and nonfiction books.

LEAP into Science aims to achieve the following impacts:

- Increase science interest, understanding, and engagement by involving underserved families in cross-generational science and literacy experiences;
- Make science accessible to a diverse audience by bringing science activities into community settings; and
- Build community capacity and provide training and experience in informal science and literacy connections to library afterschool staff and children's librarians.

LEAP into Science curriculum resources consist of afterschool workshops designed for children grades K-4 which integrate hands-on science activities and children's books, family workshops which engage children and adults in tabletop science activities linked with related children's books, as well as science bookmarks and exploration cards which extend learning in the home environment.

Another central goal of *LEAP into Science* is to demonstrate how museums, libraries, and other educational institutions can work together to enhance the capacity of urban communities to engage children and families in science. In 2011, *LEAP into Science* expanded to 10 new sites nationwide in efforts to better understand issues of sustainability and institutional partnerships in supporting science and literacy learning in informal environments.

Example #3: Exploratorium/UC-Santa Cruz/King's College London

The Center for Informal Learning and Schools (CILS) is a five-year collaborative effort, funded with the help of a \$1.2 million grant from ISE, between the Exploratorium in San Francisco, the University of California at Santa Cruz, and King's College London. The purpose of the Center is to study the intersection of informal science learning that takes place in museums and science centers and formal learning that takes place in schools, and to prepare leaders in informal science education.

Through the efforts of the center, new doctoral level leaders will be prepared who understand how informal science learning takes place and how informal institutions can contribute to science education reform. A Ph.D. program will be offered to 16 individuals at King's College London (two cohorts of eight) and a post-doctoral program to six scientists interested in issues of learning and teaching in informal settings. A doctoral program is planned at the University of California at Santa Cruz for 24 students, 12 whose interests are primarily in education and 12 who come from the sciences. In addition to doctoral level training, there will be a certification program for existing informal science professionals to better enable them to support teachers, students and the general public. That program will provide 160 informal science educators 120 hours of

professional development experiences, and an additional 24 informal science educators with a master's degree in informal science education at UC Santa Cruz.

A Bay Area Institute will be developed to serve as a central focus for all CILS activities. It will bring together researchers and practitioners; it will offer courses and workshops for graduate students; and it will provide a central location for reporting research findings and methodologies that focus on how informal learning institutions can best contribute to science education reform.

Conclusion

We appreciate this opportunity to present these views to the Subcommittee, and urge the Subcommittee to fund the NSF ISE program at \$61.4 million, equal to the FY 2012 funding level, so we can continue to inspire young and old about science, technology, engineering, and mathematics and fulfill our potential of improving the educational landscape.

Mr. WOLF. Well thank you very much for your testimony. We appreciate it.

Mr. FATTAH. It is good to see you again.

Mr. BELL. It is good to see you again.

Mr. CULBERSON. Dr. Bell.

Mr. BELL. Yes?

Mr. CULBERSON. I promise to be as quick as I can, Mr. Chairman. You, the money is for conferences, symposium workshops, etcetera, bringing kids into the schools?

Mr. BELL. Into museums to participate in museum programs, and those are often collaborative programs. As I said for instance in Denver with the zoo, with the library—

Mr. CULBERSON. Okay. I will ask it another way. It seems like the kids could just get on a bus and do it. I mean, you know how devoted we are to NSF. But why could the kids not just get on a bus and come to the museum?

Mr. BELL. Well the problem there is that the money for field trips has just about vanished in school districts today, which is a challenge that we face. So many museums are finding ways to actually go the schools, either electronically or by having programs carried to the schools and finding ways to reach out to them when they cannot come to the schools.

Mr. CULBERSON. So this money is used to buy equipment that would allow you to do that?

Mr. BELL. It is used to support, everything, whatever is needed to support the educational experience.

Mr. CULBERSON. Thank you very much.

Mr. BELL. Thank you.

Mr. WOLF. Thank you. We are going to take a three-minute recess to clear the room and bring in the next group. Thank you.

[Recess.]

Mr. WOLF. Welcome, sir. Your full statement will appear in the record.

Mr. BUJALOS. All I have done is put a synopsis together rather than the entire statement. Because it—

Mr. WOLF. Sure, that would be fine. Sure, whatever you think.

THURSDAY, MARCH 22, 2012.

TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

WITNESS

WILLIAM BUJALOS, DIRECTOR, MIDATLANTIC TRADE ADJUSTMENT ASSISTANCE FOR FIRMS CENTER

Mr. BUJALOS. Thank you, Mr. Chairman, for this opportunity. I am Director of the Mid-Atlantic Trade Adjustment Assistance Center, serving New Jersey, Pennsylvania, Virginia, West Virginia, Maryland, Delaware, and the District of Columbia. We are a non-profit, one of 11 that contract with EDA to manage the TAA for Firms nationally. I ask that Congress appropriate \$16 million in fiscal year 2013 for the national program.

TAA for Firms focuses exclusively on small firms under existential threats from imports. Small, family owned companies that have existed for generations are forced to burn working capital in

a vain attempt to remain competitive. By the time we see them they are reduced to fighting for survival with price reduction as the only tool left in their bag. In the aggregate prior to program entry MATAAC clients experience 20 percent sales drop, 10 percent productivity decline, 60 percent fall in earnings, and a more than 12 percent of the employees had been laid off. In a previous life we had a term for that, death spiral.

Following program entry aggregated results show the breadth of the turn around. Both sales and productivity grew by half, earnings had tripled, and not only had the decline in jobs been stopped but 1.4 percent jobs had been created.

Some in this building have claimed that we are consultants and that we grossly overcharge companies and that we have been known to charge exorbitant overhead rates of 60 percent of grant funding. Or that a high percentage of the firms assisted wind up going out of business anyway. None of that is true.

TAAF is not a consulting firm. It does not sell consulting time to keep its staff busy. It does not sell anything. We do not use the people's money to compete against the private sector. We do not pick up the pieces after catastrophic layoffs have already occurred and try to create new careers out of whole cloth. Our job is to prevent catastrophe in the first place. It is a lot cheaper.

And as for overhead and sustainability issues, consider the following. One, rather than cover several counties with a staff of as many as ten or more MATAAC covers six states with a staff of four, resulting in an overhead rate of just 16 percent. In other words, 84 cents out of every dollar expended hits the street. And 98 percent of the firms assisted are still in business five years after program entry. And half of the ones not in business do not go out of business, but they are acquired.

TAA for Firms is an accelerator, providing the wherewithal for small enterprises to do what they otherwise would have put off until tomorrow, namely upgrade their global competitiveness and do it now. And here is the kicker. Firms have considerable skin in the game, with a dollar for dollar match TAAF leverages their own investment in their own turn around. Private sector consultants are jointly hired to implement a chain of knowledge based projects to reverse weaknesses.

Each firm is unique, but there are commonalities. The typical small business owner can be the firm's CEO, COO, CFO, and at times even its janitor. But their main concern is simply whether or not they will be able to make payroll by Thursday afternoon.

During the past five years TAAF's total funding amounted to \$71.2 million and we face a backlog of approved but unfunded assistance of \$26 million.

Program outcomes nationally speak for themselves. During the past five years 952 firms were assisted. Aggregate results since entry are 4 percent job growth, 26 percent sales growth, 21 percent productivity growth, and the program returned more than \$14 in tax receipts for each dollar invested.

Mr. Chairman, I realize these numbers may seem heroic to some. That does not make them wrong. I believe they suggest that TAAF works. This program is small, agile, precise, and effective. Perhaps some day we can get serious about revitalizing the small business

sector and when we do it could possibly be considered a model of choice. I thank the committee for giving me this opportunity.

[The information follows:]

TESTIMONY OF
WILLIAM J. BUJALOS
DIRECTOR OF MIDATLANTIC TRADE ADJUSTMENT ASSISTANCE
CENTER
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED
AGENCIES
MARCH 22, 2012

Thank you Mr. Chairman for the opportunity to testify before this committee regarding appropriations for Trade Adjustment Assistance for Firms (TAAF). Since 1998 I have been the Director of the MidAtlantic Trade Adjustment Assistance Center (MATAAC) located in a suburb of Philadelphia. In that capacity I ask that Congress appropriate \$16 million in Fiscal-Year 2013 for the national Trade Adjustment Assistance for Firms program. MATAAC is a private sector non-profit entity, one of 11 such centers (or TAACs) that contract with the US Department of Commerce through the Economic Development Administration (EDA) to manage TAA for Firms throughout the nation. As part of that network my responsibility is to assist small firms in Pennsylvania, Maryland, Delaware, Virginia, West Virginia, New Jersey and the District of Columbia.

By way of credentials let me state that I have a Bachelor of Science Degree in Mechanical Engineering, have held engineering and executive positions in a variety of both public and private firms ranging in size from less than 20 to tens of thousands of employees in both manufacturing and service sectors. Positions held include: Project Engineer, Project Manager, Engineering Director, Plant Manager, General Manager, Vice President and Executive Vice President in the steel, chemicals, batteries, plastics, medical devices and management consulting markets. I have also been a small business owner.

TAA for Firms is a unique federal initiative focused exclusively on small companies under existential threat – threat contributed to by imports. Daily, I see small family-owned enterprises that have been in existence for generations who have spent the immediately previous couple of years burning working capital in a vain attempt to remain competitive. By the time I see them they are reduced to fighting for their survival from a position of significantly diminished financial strength with price reduction as the only tool left at their disposal.

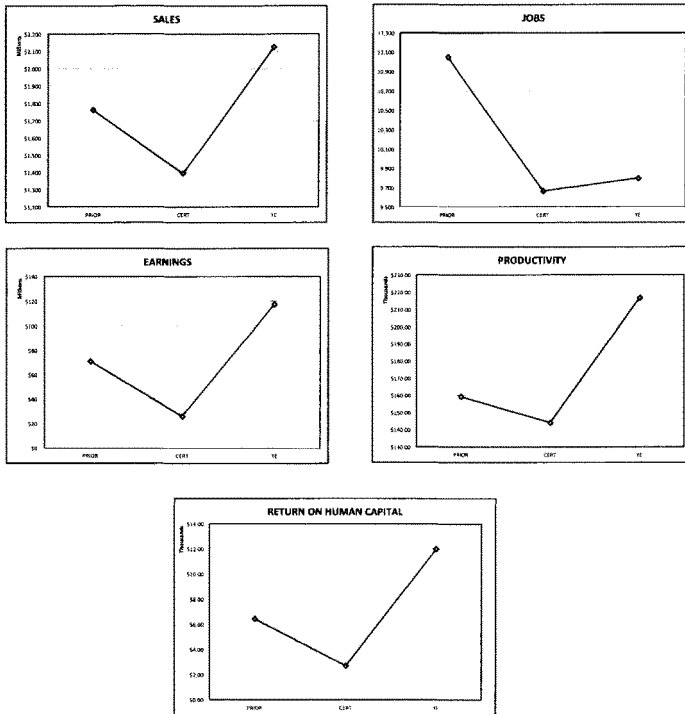
98% of MATAAC's portfolio responded to a recent survey. Aggregated results show that for the period immediately prior to program entry:

- Sales had declined more than 20%
- Productivity had declined by almost 10%
- Earnings had fallen more than 60%
- And more than 12% of employees had been laid off

Does anyone really think that a business exhibiting those stats (absent reversal) is in any way sustainable? In my previous life we had a term for it – death spiral.

Following program entry aggregated results as of YE 2011 show the breadth of the turnaround:

- Both Sales and Productivity grew more than 50%
- Earnings tripled
- And, not only had the decline in jobs been stopped, but 1.4% *more* jobs had been created



Some, in this building, have claimed that we are consultants and that we “grossly overcharge companies.” Further that we “... have been known to charge exorbitant overhead rates of 60 percent of grant funding ...” or that a high percentage of the firms assisted have gone out of business anyway. None of that is true. But what *is* true is that people like me have failed miserably in educating some folks. TAA for Firms doesn’t act as a consulting firm. It never has. It doesn’t sell anything. It doesn’t sell consulting time to keep its staffs busy. We don’t use the people’s money to compete against the private sector. We don’t pick up the pieces after catastrophic layoffs have already occurred and try to create new careers out of whole cloth. Our job is to prevent catastrophe in the first place. It’s a lot cheaper.

And as for overhead and sustainability consider:

1. Rather than cover several counties with a staff of as many as 10 or more, MATAAC covers 6 states with a staff of 4, resulting in an overhead rate for 2011 of just 16%. In other words, 84¢ of every dollar expended hits the street.
2. 98% of the firms assisted were still in business five years after entry into the program and half of the ones not in business didn’t go out of business, but were acquired.

TAA for Firms is an accelerator. Its overarching mission is to provide the wherewithal for small enterprises to do what they otherwise would have put off ‘till some tomorrow, i.e. upgrade their global competitiveness and upgrade it starting *now*.

And here’s the kicker: firms in the program have considerable skin in the game. With a dollar-for-dollar match (not exceeding \$75,000 in federal funds), TAAF leverages a company’s *own* financial investment in its *own* turnaround. Third-party private sector experts and consultants are jointly hired to implement a chain of knowledge-based projects over a period of time to reverse weaknesses heretofore preventing the company from truly achieving global competitiveness.

Each company’s circumstances are unique but there’s a common thread that I see every day. The typical small business owner can be the firm’s CEO, COO, CFO, its marketing manager, its sales manager, its HR manager and, at times, even its janitor – simultaneously. He or she routinely works insane hours six or seven days a week. And their main focus is *not* the status of trade agreements, international market dynamics, or even recent developments in operational technologies, new product development, shop floor or cash flow controls, or systems of management for agile performance. Their main concern is simply whether or not they’ll be able to make payroll by Thursday afternoon.

Program outcomes nationally speak for themselves:

- During the past 5 years 952 firms were assisted
- Aggregate results since program entry-
 - Jobs grew by 4%
 - Sales grew 26%
 - Productivity grew 21%

Nationally there is a backlog of approved, but unfunded, assistance exceeding \$26 million. For the period '07 through '11 federal funding for TAAF totaled \$71.2 million and the program returned more than \$14 in tax receipts for each dollar invested as follows:

Investment per job:

Funding, federal fiscal year 2007 to 2011 ¹	\$71,217,976
Total jobs impacted ²	77,015
Investment per job	\$925

Economic Impact per job:

Income, average manufacturing job	\$44,221
Federal, state revenue on manufacturing @ 20.7%	\$9,154
Income multiplier ³	\$22,111
Federal, state revenue on multiplier jobs	\$4,577
Annual federal & state revenue per manufacturing job ⁴	\$13,731

Return on Investment

1,485%

Mr. Chairman I realize that these numbers may seem heroic to some. That doesn't make them wrong. I believe they suggest that TAAF works – quite possibly better than most of what the federal government does on any given day. This program is small, agile and effective. Perhaps someday when we get serious about revitalizing the small business sector, it could possibly be considered the model-of-choice.

I thank the committee for giving me this opportunity today.

¹ Funding covers 60 months (federal FY 2007 to 2011), includes only federal government expenditures, and includes funding only for the Trade Adjustment Assistance Centers. It does not include the administrative costs of the U.S. Department of Commerce.

² Jobs impacted are those jobs retained and generated at firms completing at least one technical assistance project by December 31, 2011. It does not include the impact of assistance for firms that entered the program after December 31, 2011.

³ Multiplier jobs are those jobs generated in providing goods and services required by the employed manufacturing workers. Although often estimated at 2 or 2.5, for the purpose of this analysis, a very conservative multiplier of 0.5 was used. Manufacturing job revenue is calculated at an average hourly rate of \$21.26 (US Statistical Abstract 2011), an annual income of \$44,221 was assumed, and the multiplier income per manufacturing job is \$22,111.

⁴ Annual revenue per job disregards local income tax or property tax revenue.

Mr. WOLF. Thank you very much for your testimony. Mr. Fattah. Mr. FATTAH. Thank you for your work, and thank you for your testimony.

Mr. BUJALOS. Thank you, sir.

Mr. CULBERSON. Very quickly, I wanted to ask is the Trade Adjustment Assistance a direct grant to a company? Or it looks like you are saying here that the money is used to jointly hire third party private sector and consultants. Is it a cash grant to the company or to hire consultants?

Mr. BUJALOS. It is a cash grant credited to the company, but the actual physical money is used to pay the consultant, an arms length relationship consultant. The company pays half of that and I pay half of that.

Mr. CULBERSON. Okay. And who picks the companies that participate in the Trade Adjustment Assistance program? Your organization does, for the states that you administer?

Mr. BUJALOS. No, we rely on word of mouth. We present a lot of what we do to banking consortiums, to consulting consortiums, to trade associations, that sort of thing. Word of mouth, and a lot of consultants, and former clients will call friends of theirs saying, you know, if you are having problems you might want to call MATAAC and get them to take a look at what——

Mr. CULBERSON. Okay. And the program has been around, Trade Adjustment Assistance has been around for how long?

Mr. BUJALOS. Thirty-plus years.

Mr. CULBERSON. Thirty-plus years.

Mr. BUJALOS. It was part of the Trade Act——

Mr. CULBERSON. To hire consultants.

Mr. BUJALOS. See what we do is we use public money to hire private sector consultants. The client also hires, jointly with us, those same consultants. And those consultants then implement a chain of knowledge based projects over a period of years to reverse the weaknesses that we notice and increase their competitiveness.

Mr. CULBERSON. Okay. I personally question whether that is a valid federal role. I would rather do it through the tax code, and through tariffs on Chinese dumping products, and protecting American intellectual property by hammering the communist Chinese for stealing every piece of intellectual property they can lay their hands on, and big tax breaks for small businesses. Thank you.

Mr. BUJALOS. Thank you.

Mr. WOLF. Thank you, sir. Next witness, Kristen Fletcher, Coastal States Organization. Welcome.

THURSDAY, MARCH 22, 2012.

FUNDING FOR NOAA

WITNESS

KRISTEN FLETCHER, EXECUTIVE DIRECTOR, COASTAL STATES ORGANIZATION

Ms. FLETCHER. Thank you. Good afternoon, Mr. Chairman, and members of the subcommittee. My name is Kristen Fletcher and I am Executive Director of the Coastal States Organization. CSO represents the governors of the nation's 35 coastal states on the

sustainable management of ocean, coastal, and Great Lakes resources. Thank you for the opportunity to testify today on behalf of the states on funding priorities for fiscal year 2013.

CSO supports the following funding levels within NOAA, our essential federal partner in the national effort to sustainably manage the coasts. CSO's requests for fiscal year 2013 are Coastal Zone Management Program at \$67 million; the Coastal and Estuarine Land Conservation Program at \$20 million; regional ocean partnerships at \$10 million; and the National Estuarine Research Reserve System at \$22.3 million.

These programs are part of the critical framework for our coasts, upon which we rely for commerce, recreation, energy, and natural resources. They are a small portion of NOAA's overall budget but provide dramatic results in coastal communities. This is a good federal investment. These grants are matched by the states and they are leveraged with private and local funds.

Of continuing concern to CSO for NOAA is the increasing budgetary demands of satellites and weather service taking priority over and essential funding from NOAA's other core missions, including marine and coastal resources, habitat protection, and the technical capacity to support these efforts on the ground. NOAA has a two-part responsibility. Part one is gathering the data, and part two is making this data relevant and usable for decision makers. These state-federal partnerships keep NOAA's valuable information systems relevant on the ground.

Though federal funding does not reflect it, the oceans and coast provide an irreplaceable contribution to our nation's economy with sectors including transportation, tourism, aquaculture, energy, and living marine resources. The ocean based sector alone provides \$138 billion to the U.S. GDP. It is estimated that the annual contribution of coastal counties is in the trillions of dollars.

Today the demand on coastal resources, combined with an increase in natural hazards and more intense storms, means we are in danger of losing those resources. Failure to invest in these key programs now means a greater economic investment in the future, likely at a point of crisis.

I want to offer a couple of examples of the difference that this federal funding makes to coastal communities and its citizens. In 1999 the Virginia coastal program initiated oyster restoration efforts using federal and state funds to construct more than 80 sanctuary reefs and 1,000 acres of harvest area. In 2007 as the oysters were recovering the program created an innovative rotational harvest and buy back program for large oysters. This investment provided a huge payoff, from 23,000 bushels worth about half a million in 2001 to 236,000 bushels worth over \$8 million in 2011. This could not have been possible without leveraging federal and state funds.

In Pennsylvania the state continues to open its coastline to public access through federal coastal funding. In Philadelphia the previously dilapidated Race Street Pier was rehabilitated to provide a new public space which now hosts an average of 1,800 weekly visitors. In Pennsylvania's Lake Erie coastal zone the program is funding construction of the Liberty Park Fishing Pier in Presque Isle Bay. The new pier, deck, and walkway enhance Erie's \$36 million

sport fishing industry and provide new opportunities for local inner city youth.

There are stories like this around the country, showing the on the ground investment these federal funds make possible. CSO appreciates the subcommittee's past support to care for the nation's coasts. We appreciate your consideration of our requests as you move forward in this fiscal year 2013 appropriations process.

[The information follows:]



**Official Written Testimony for programs under the National Oceanic and
Atmospheric Administration (NOAA) for Fiscal Year 2013**

**Submitted To
Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC**

**Submitted By
Coastal States Organization
Kristen Fletcher, Executive Director
March 16, 2012**

The Coastal States Organization (CSO) is a nonpartisan, nonprofit organization in Washington, DC that represents the interests of the Governors of the 35 coastal states, territories and commonwealths. Established in 1970, CSO focuses on legislative and policy issues relating to the sound management of coastal, Great Lakes, and ocean resources and is recognized as the trusted representative of the collective interests of the coastal states on coastal and ocean management. For fiscal year 2013, CSO supports the following coastal programs and funding levels within the National Oceanic and Atmospheric Administration (NOAA):

Coastal Zone Management Program (§§306/306A/309)	\$67 million
Coastal and Estuarine Land Conservation Program	\$20 million
Regional Ocean Partnerships	\$10 million
National Estuarine Research Reserve System	\$22.3 million

Every American, regardless of where they live, is fundamentally connected to U.S. coasts, oceans, and Great Lakes. These valuable resources are a critical framework for commerce, recreation, energy, environment, and quality of life. The U.S. economy is an ocean and coastal economy: though federal investment does not reflect it, the oceans and coasts provide an irreplaceable contribution to our nation's economy and quality of life. With sectors including marine transportation, tourism, marine construction, aquaculture, ship and boat building, mineral extraction, and living marine resources, the U.S. ocean-based sector alone provides \$138 billion to U.S. GDP and over 2.3 million jobs to our citizens. In addition, the annual contribution of coastal counties is in the trillions, from ports and fishing to recreation and tourism. In 2007, our nation's coastal counties provided \$5.7 trillion to the economy and were home to 108.3 million people on only 18% of the U.S. land area. If these counties were their own country, they would have the world's second largest economy. Coasts and oceans also add to the quality of life of nearly half of all Americans who visit the seashore each year; the non-market value of recreation alone is estimated at over \$100 billion.

Today, our nation's coasts are as vital for our future as they are vulnerable. As a result of their increasing recreational and residential appeal and economic vitality, we are exerting more pressure on our coastal and ocean resources. This demand, combined with an increase in natural hazards such as sea level rise, hurricanes and other flooding events, can be proven to show that the country is in danger of losing these invaluable assets. Despite the difficult budgetary times, adequate and sustained funding is needed to support the key programs that are on the front lines of this daily battle, the programs utilizing the advances in coastal and ocean science, research, and technology to manage our coastal and ocean resources for future generations.

Programs that are engaged in these important efforts and working to balance the protection of coastal and ocean resources with the need for sustainable development include the Coastal Zone Management Program, Coastal and Estuarine Land Conservation Program, Regional Ocean Partnerships and National Estuarine Research Reserves. These programs reside within the National Oceanic and Atmospheric Administration (NOAA) and provide *direct* funding or services to the states, territories and regions to implement national coastal and ocean priorities at the state, local and regional level. These types of partnership programs account for only a small portion of the total NOAA federal budget but provide dramatic results in coastal communities. The funding for these programs is very cost-effective, as these grants are matched by the states and are used to leverage significantly more private and local investment in our nation's coasts. Maintaining funding for these programs that provide on-the-ground services to our local communities and citizens is well worth the investment.

Coastal Zone Management Program (§§306/306A/309)

CSO requests that these grants be funded at \$67 million, a consistent level with last year's funding with a small increase to account for Illinois' entrance into the program. This funding will be shared among the 34 states and territories that have approved coastal zone management programs. Pursuant to the Coastal Zone Management Act (CZMA), states partner with NOAA to implement coastal zone management programs designed to balance protection of coastal and ocean resources with the need for sustainable development of coastal communities. States have the flexibility to develop programs, policies and strategies that are targeted to their state priorities while advancing national goals. Under the CZMA program, the states receive grants from NOAA that are matched by the states and are used to leverage significantly more private and local investment in our nation's coastal areas. These grants have been used to maintain and grow coastal economies by reducing environmental impacts of coastal development, resolving conflicts between competing coastal uses, and providing critical assistance to local communities in coastal planning and resource protection.

The CZMA state grants have essentially remained level-funded for a decade, resulting in a decreased capacity in the state coastal zone management programs and less funding available to communities. An increase in funding to \$91 million would mean level funding that accounts for inflation over the last decade and would provide an additional \$300,000 - \$800,000 for each state and territory; however, CSO recognizes that the fiscal climate makes this type of an increase difficult if not impossible. At maintained current funding levels, states and territories would receive between \$850,000 and just over \$2,000,000 to carry out their coastal management programs based on a formula accounting for shoreline miles and coastal population. Any additional funding would account for the addition of Illinois as a state with an approved coastal program (which just occurred January 2012). Illinois will be eligible to receive the maximum allotted funds of \$2,000,000. With an increase, states would not be punished for the addition of Illinois into the program and could focus on activities that support coastal communities and economies such as addressing coastal water pollution, working to conserve and restore habitat, helping plan with and educate communities, providing for public access to the shore and preparing to adapt to changing sea and lake levels and the threat of increasing storms. The following are a few examples of activities in Virginia and Pennsylvania that CZM state grants have recently funded. These types of contributions and more can be found around the nation.

Virginia

- In 1999, Virginia CZM initiated oyster restoration efforts using over \$1.5 million and additional leveraged funds to construct more than 80 sanctuary reefs and 1000 acres of harvest area. In 2007, as pressure mounted to open the sanctuary areas to harvest, Virginia CZM reconvened its partners and created an innovative rotational harvest and buy-back program for large oysters that were returned to the sanctuaries. The pay-off for this investment has been huge – 23,000 bushels worth \$575,000 in 2001 to 236,000 bushels worth \$8.26 million in 2011.
- The Virginia CZM Program has developed, produced and marketed a comprehensive map (Coastal Virginia Ecologically Valuable Areas) of ecologically valuable lands and waters to aid Virginia's coastal localities and partners in targeting high value areas for protection – focusing on those natural features of water and land critical to coastal ecosystem health and supports robust seafood production.
- Along the Eastern Shore, Virginia CZM is restoring eelgrass and reintroducing bay scallops to the 80-mile long barrier island lagoon system from which they had been extirpated since the 1930s. Reintroduction of bay scallops has and will continue to bolster the coastal economy through highly lucrative eco-tourism and recreational fishing. The eelgrass restoration provides habitat for crab, flounder and other commercially valuable species, contributes to improving water quality, and stabilizes the entire system by dampening incoming wave energy - all of which contribute to a healthier support system for commercially and recreationally valuable fish populations in this area.

Pennsylvania

- Pennsylvania continues to open its coastline to public access through CZMA funding. In Philadelphia, rehabilitation was completed on the previously dilapidated Race Street Pier to provide a new public; an average of 1,800 weekly visitors have enjoyed its multi-purpose lawn, sky promenade, native plantings, and seating. Additional public access continues to grow through CZMA funding of the nearby expanding Schuylkill River Trail. The Schuylkill Banks section of the anticipated 130 mile trail sees an average 19,000 user trips per week. Upcoming expansions will open access to new neighborhoods, residents, and visitors of Philadelphia. In Pennsylvania's Lake Erie Coastal Zone, CZMA is funding construction of Liberty Park fishing pier in Presque Isle Bay. The new steel pier, deck, and walkway will enhance Erie's \$36+ million sport fishing industry and provide new recreational opportunities for local inner city youth.
- CZMA funding supports the International Coastal Cleanup annually; in 2011 alone, an estimated 85,000 pounds of trash was collected in the Delaware Estuary and Lake Erie Coastal zones. For the past six years, Pennsylvania has funded debris removal and outreach activities. Since then, over 3,000 concerned citizens have removed 257,878 pounds of trash from Pennsylvania land and streams that flow into the Delaware River. In the past decade, over 6,000 volunteers have collected more than 100,000 pounds from the Lake Erie shoreline and watershed.

Several years ago and appropriate at the time, a cap of approximately \$2,000,000 was instituted to allow for funding to spread more evenly across the states and territories, so as to prevent most of the funding from going entirely to the larger, more heavily populated states. But, now, over half of the states have met the cap and no longer receive an increase in funding, despite increased overall funding for CZMA state grants since that cap was introduced. Therefore,

CSO requests that language be included in the appropriations bill declaring that each state will receive *no less than 1% and no more than 5% of the additional funds over and above previous appropriations*. As was provided for in fiscal year 2010, CSO requests that language be included in the appropriations bill that *directs NOAA to refrain from charging administrative costs to these grants*. This is to prevent any undue administrative fees from NOAA from being levied on grants intended for states.

Coastal and Estuarine Land Conservation Program

CSO requests the Coastal and Estuarine Land Conservation Program (CELCP) not be terminated, as proposed in the President's Budget Request. Authorized by Congress in 2002, CELCP protects "those coastal and estuarine areas with significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational states to other uses." To date, Congress has appropriated nearly \$255 million for CELCP. This funding has allowed for the completion of over 150 conservation projects, with more in progress. CELCP projects in 27 of the nation's 35 coastal states have already helped preserve approximately 50,000 acres of the nation's coastal assets. All federal funding has been leveraged by at least an equal amount of state, local, and private investments, demonstrating the broad support for the program, the importance of coastal protection throughout the nation, and the critical role of federal funding plays in reaching the conservation goals of our coastal communities.

The preservation of coastal and estuarine areas is critical to both humans and the environment. These areas shield us from storms, protect us from the effects of sea-level rise, filter pollutants to maintain water quality, provide shelter, nesting and nursery grounds for fish and wildlife, protect rare and endangered species and provide access to beaches and waterfront areas. CELCP is the *only* program entirely dedicated to the conservation of these vital coastal areas.

The demand for CELCP funding far outstrips what has been available in recent years. In the last three years, NOAA, in partnership with the states, has identified over \$270 million of vetted and ranked projects. As demand for CELCP funding has grown, the funding has not kept pace. Adequate funding is needed to meet the demand of the increasingly high-quality projects developed by the states and submitted to NOAA. Unfortunately, budget constraints at NOAA have forced the agency to make a difficult choice not to fund its only land acquisition program. Efforts are underway to streamline NOAA's coastal stewardship programs to create program efficiencies and lower costs. Eliminating an important and successful coastal conservation tool before a consolidation plan is in place does not make sense. Therefore, we **request your support for restoring funding at the FY 2012 enacted level for CELCP** until a consolidation plan can be developed and implemented.

Regional Ocean Partnerships

There is an ever-growing recognition that multi-state, regional approaches are one of the most effective and efficient ways to address many of our ocean management challenges. These approaches are producing on-the-ground results that are benefitting both the economy and the environment.

Federal investment in Regional Ocean Partnerships—representing every coastal state in the continental US and potentially emerging in the Pacific and Caribbean islands—will enhance economic development, grow employment in green technologies, foster sustainable use of our oceans, coasts and Great Lakes, and leverage state and nongovernmental investments. To meet

our ocean and coastal challenges, Governors have voluntarily established Regional Ocean Partnerships and are working in collaboration with federal agencies, tribes, local governments and stakeholders. Although their methods and approaches may differ, Regional Ocean Partnerships are working to address similar challenges, enhance the ecological and economic health of the regions, and ultimately the nation, in the belief that multi-sector, multi-state management decisions will result in an improved ocean environment and ocean-related economy.

The states and territories with existing partnerships and those under development request **\$10 million in grants for Regional Ocean Partnerships** as a step toward the funding level needed. These grants will provide essential support for the development and implementation of Action Plans within each region. **Regional Ocean Partnerships also request appropriation language stating that 10% of the total funding be divided equally to existing Partnerships for operations support and the remaining funding broadly support the development and implementation of regional priorities as determined by the Partnerships through competitive solicitations.**

Funding for operations support will ensure that the Regional Ocean Partnerships become enduring institutions that can guide regional efforts over the long-term. Remaining funds allocated through a competitive grants process will support projects that address the priorities identified in the regions. Grants to the Partnerships should be awarded and administered by NOAA. CSO and the Partnerships are in agreement that **this funding, however, cannot be at the expense of the Coastal Zone Management (CZM) program funding.** The CZM grants to the states provide the infrastructure and support that is foundational to the work of the ROPs. Any decreases to CZM funding for the purposes of increasing that of the ROPs, will only hamper the states' ability to implement the National Ocean Policy as well as address regional priorities. As partnerships mature and new ones form where needed, funding should increase to \$60 million as soon as possible in order to fully meet their needs.

National Estuarine Research Reserve System

The National Estuarine Research Reserve System (NERRS) partners with states and territories to ensure long-term education, stewardship, and research on estuarine habitats. Atlantic, Gulf, Pacific, Caribbean and Great Lakes reserves advance knowledge and stewardship of estuaries and serve as a scientific foundation for coastal management decisions. This unique site-based program around the nation contributes to a systemic research, education and training on the nation's estuaries.

CSO greatly appreciates the support the Subcommittee has provided in the past. Its support has assisted these programs in working together to protect our coasts and sustain our local communities. We appreciate your taking our requests into consideration as you move forward in the FY 2013 appropriations process.

Mr. WOLF. Thank you very much for your testimony. Mr. Fattah.
Mr. FATTAH. Thank you for your testimony.

Ms. FLETCHER. Okay, thank you.

Mr. WOLF. Our next witness will be Billy Frank, Chairman of the Northwest Indian Fisheries Commission.

THURSDAY, MARCH 22, 2012.

FUNDING FOR NOAA

WITNESS

BILLY FRANK, CHAIRMAN, NORTHWEST INDIAN FISHERIES COMMISSION

Mr. FRANK. Thank you, Mr. Chairman, for allowing us here in the subcommittee to make our testimony. My name is Billy Frank, Chairman of the Northwest Indian Fisheries Commission. The Northwest Indian Fisheries Commission comprises of 20 tribes that are part of the United States v. Washington and possess treaties that reserve fishing rights, hunting, and gathering rights. I am here today speaking on behalf of our member tribes that comanage a natural resource in Western Washington with the state and federal government.

The tribes ceded millions of acres to the United States through treaties in which they reserved the right to fish, hunt, gather in traditional areas. These treaty rights are constitutionally protected and are the law of the land. Today we find that our treaty rights are at grave risk. They are at risk because of the diminishing salmon population which threatens to eliminate our right to harvest. All of this is due to the inability to restore salmon habitat faster than we are being destroyed.

Our treaty rights require that there be fish available to harvest. We have respectfully called on the federal government to implement their fiduciary duties by better protecting salmon habitat. The federal government has no trust responsibility to tribes to protect these treaty rights by fulfilling these federal obligations and implementing requested changes. I have no doubt that we will recover the salmon population. It is imperative that we are successful with this initiative as salmon are critical to the tribal culture, tradition, and our economics.

This leads to the full funding request that we wish to bring to your attention today. Number one is the request that NOAA's Pacific Coastal Salmon Recovery Fund be funded at \$110 million. These funds are critical for restoring salmon habitat and protecting our treaty rights. The Pacific Coastal Salmon Recovery Fund is a multistate, multitribe program established by Congress with the goal of recovering the salmon throughout the Pacific Northwest and Alaska. The tribe's objective is to protect and restore important habitat that promotes and recovers the endangered species as they are listed, and other salmon population in Puget Sound and other Pacific coast.

Number two, we request that NOAA's regional partnership grants program be funded at \$20 million. The Hoh Tribe, Makah Tribe, Quileute Tribe, and the Quinault Indian Nation have deep connections at the marine resource off the coast of Washington.

They have pioneered cooperative partnerships with the State of Washington and the federal government in the effort to advance the management practice in the coastal waters.

Number three, we request that NOAA's budget include \$3 million to support the Pacific Salmon Treaty. These funds are important for the implementation of our annex to meet the goals of the international treaty with Canada and to protect and restore our salmon resources. These funds would support the coast and coded water tagging and the Pacific salmon critical stock augmentation programs. Both of these programs are important.

Number four, we request that \$16 million be included in NOAA's budget for the Mitchell Act Hatchery Program. Salmon produced by the Mitchell Act hatcheries on the Lower Columbia River are critically important because they provide significant harvest opportunities for both Indian and non-Indian fisheries off the coast of Washington. The hatchery production is intended to mitigate for the lost production caused by the hydropowered dam system at the Columbia River. This hatchery production is also important in the impact of the Canadian fishery under the terms of the Pacific Salmon Treaty, Chinook Annex on Puget Sound, and coastal stocks.

In conclusion, we again thank you for the opportunity to inform you of our priorities and discuss how the committee can help. We know that you are facing serious budget challenges but the issues we have brought before you today are vitally important to the tribes and their treaty rights, and require the partnerships with the federal government to protect and restore our great natural resource. Thank you.

[The information follows:]



Northwest Indian Fisheries Commission

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**TESTIMONY OF BILLY FRANK, JR., CHAIRMAN
 NORTHWEST INDIAN FISHERIES COMMISSION
 BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
 COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
 ON THE FISCAL YEAR 2013 BUDGET FOR THE
 NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
 March 22, 2012**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the Department of Commerce Fiscal Year (FY) 2013 appropriations. My name is Billy Frank, Jr. and I am the Chairman of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the twenty tribes that are party to the *United States vs. Washington*¹ (*U.S. vs. Washington*). We support funding for the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) and National Ocean Service (NOS). We are identifying four specific funding needs:

SUMMARY OF FY 2013 APPROPRIATIONS REQUEST

NWIFC Specific Funding Requests:

- ❑ **\$110 million for the Pacific Coastal Salmon Recovery Fund (NOAA/National Marine Fisheries Service)**
- ❑ **\$20 million for the Regional Ocean Partnership Grants Program (NOAA/National Ocean Service)**
- ❑ **\$3.0 million for the Pacific Salmon Treaty Chinook Annex (NOAA/National Marine Fisheries Service)**
- ❑ **\$16 million for the Mitchell Act Hatchery Program (NOAA/National Marine Fisheries Service)**

The NWIFC also supports the budget priorities and funding requests of the National Congress of American Indians

We also want to bring to your attention an initiative that we have been pursuing – our Treaty Rights at Risk (TRAR) initiative. The treaty rights of the western Washington treaty tribes are in imminent danger. Specifically, the treaty-reserved right to harvest salmon is at risk. The danger exists due to diminishing salmon populations, which limits or eliminates our right to harvest. All of this is due to the inability to restore salmon habitat faster than it is being destroyed. We have repeatedly called on federal government to implement their fiduciary duties by better protecting

¹ *United States vs. Washington*, Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

salmon habitat. The federal government has a trust responsibility to the tribes and the tribes' treaties are constitutionally-protected. By fulfilling these federal obligations and implementing our requested changes, I have no doubt that we will recover the salmon populations. It is imperative that we are successful with this initiative as salmon are critical to tribal cultures, traditions and our economies.

When our tribal ancestors signed treaties, ceding millions of acres of land to the United States government, they reserved fishing, hunting and gathering rights in all traditional areas. These constitutionally-protected treaties, the federal trust responsibility and extensive case law, including the *U.S. vs. Washington* decision (1974), all consistently support the role of tribes as natural resource managers, both on and off reservation. In Washington State, these provisions have developed into a successful co-management partnership between the federal, state and tribal governments. This collaboration has helped us to deal with many problems, but still requires additional support to meet the many new challenges like air and water pollution and climate change.

Of particular interest to us is the Pacific Coastal Salmon Recovery Fund (PCSRF). This is a critical funding source to restoring salmon habitat. The PCSRF assists tribes in the implementation of salmon recovery plans and moves us in the direction of achieving the recovery goals, which is a direct request in our TRAR initiative. We also appreciate a number of the National Ocean Policy initiatives that support key federal, state and tribal partnerships. Our specific requests are further described below.

JUSTIFICATION OF REQUESTS

\$110 Million for the Pacific Coastal Salmon Recovery Fund

The Pacific Coastal Salmon Recovery Fund is a multi-state, multi-tribe program established by Congress in FY 2000 with a primary goal to help recover wild salmon throughout the Pacific Northwest and Alaska. The PCSRF seeks to aid the conservation, restoration and sustainability of Pacific salmon and their habitats by financially supporting and leveraging local and regional efforts. Recognizing the need for flexibility among tribes and the states to respond to salmon recovery priorities in their watersheds, Congress initially provided funds for salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement between the U.S. and Canada. PCSRF is making a significant contribution to the recovery of wild salmon throughout the region.

The tribes' overall goal in the PCSRF program is to "restore wild salmon populations. The key tribal objective is to protect and restore important habitat that promotes the recovery of ESA listed species and other salmon populations in Puget Sound and along the Washington Coast that are essential for western Washington tribes to exercise their treaty-reserved fishing rights consistent with *U.S. vs. Washington* and *Hoh vs. Baldrige*². These funds will also support policy and technical capacities within tribal resource management departments to plan, implement, and monitor recovery activities.

² *Hoh vs. Baldrige* - A federal court ruling that required fisheries management on a river-by-river basis.

It is for these reasons that the tribes strongly support the Pacific Coastal Salmon Recovery Fund. The tribes have used these funds to support the scientific salmon recovery approach that makes this program so unique and important. Related to this scientific approach has been the tribal leadership effort which has developed and began the implementation of the ESA-listed Puget Sound Chinook Recovery Plan approved by NOAA.

Unfortunately, the PCSRF monies have decreased over the past decade from the FY 2002 amount of \$110 million. Restoration of this line item in FY 2013 to the \$110 million level will support the original intent of Congress and enable the federal government to fulfill its obligations to salmon recovery and the treaty fishing rights of the tribes.

\$20 Million for the Regional Ocean Partnership Grants Program

The Hoh Tribe, Makah Tribe, Quileute Tribe, and the Quinault Indian Nation have deep connections to the marine resources off the coast of Washington. They have pioneered cooperative partnerships with the state of Washington and the federal government in an effort to advance the management practices in the coastal waters. However, to have an effective partnership, the tribes and their partners need additional funding.

The four tribes, the state of Washington and NOAA's National Ocean Service, through the Marine Sanctuary Program, have formed the Intergovernmental Policy Council (IPC), which is intended to strengthen management partnerships through coordination and focus of work efforts. Through this partnership, the entities hope to maximize resource protection and management, while respecting existing jurisdictional and management authorities. In addition to this partnership with the Marine Sanctuary Program, the four tribes have proposed a mechanism by which they can effectively engage with the West Coast Governors' Agreement for Ocean Health to create a regional ocean planning group for the west coast that is representative of the states and sovereign tribal governments with an interest in the ocean.

The four coastal tribes and the state also wish to engage in an ocean monitoring and research initiative to support and transition into an ecosystem-based fisheries management plan for the Washington coast. This tribal-state effort would be in collaboration with NOAA and consistent with regional priorities identified by a regional planning body. Effective management of the ocean ecosystem and its associated resources requires the development of baseline information against which changes can be measured. This initiative will expand on and complement existing physical and biological databases to enhance ecosystem-based management capabilities. In turn, this will support ongoing efforts by the state and tribes to become more actively engaged in the management of offshore fishery resources.

For the tribes to participate in this regional ocean planning body, and for the tribes and state to conduct an ocean monitoring and research initiative off the Washington coast, they will need funding to support this effort. The Regional Ocean Partnership Grants program, within the National Ocean Service Coastal Management account, would be an ideal program to support tribal participation with the West Coast Governors' Agreement to address ocean governance and coastal/marine spatial planning issues.

In addition, the economic value associated with effective marine resource protection is huge. Not only are marine areas crucial for our natural resources and those that use them – they are bridges of commerce between nations and continents. Healthy oceans are essential if we value stable climates that will sustain our economies and our lives. Tribes must be partners in the efforts to research, clean up and restore the environment in order to deal with identified problems.

\$3.0 Million for the Pacific Salmon Treaty 2008 Chinook Annex

Adult salmon returning to most western Washington streams migrate through U.S. and Canadian waters and are harvested by fisherman from both countries. For years, there were no restrictions on the interception of returning salmon by fishermen of neighboring countries.

In 1985, after two decades of discussions, the Pacific Salmon Treaty (PST) was created through the cooperative efforts of tribal, state, U.S. and Canadian governments, and sport and commercial fishing interests. The Pacific Salmon Commission (PSC) was created by the United States and Canada to implement the treaty, which was updated in 1999, and most recently in 2008.

The 2008 update of the treaty gave additional protection to weak runs of Chinook salmon returning to Puget Sound rivers. The update provided compensation to Alaskan fishermen for lost fishing opportunities, while also funding habitat restoration in the Puget Sound region.

The PSC establishes fishery regimes, develops management recommendations, assesses each country's performance and compliance with the treaty, and is the forum for all entities to work towards reaching an agreement on mutual fisheries issues. As co-managers of the fishery resources in western Washington, tribal participation in implementing the PST is critical to achieve the goals of the treaty to protect, share and restore salmon resources.

We support the FY 2013 NOAA Fisheries budget which includes \$3.0 million to implement the 2008 Pacific Salmon Treaty Chinook Annex. Specifically, the funds would be used for Coded-Wire-Tag (CWT) Program Improvements (\$1.5 million) and Puget Sound Critical Stocks Augmentation (\$1.5 million).

\$16 Million for the Mitchell Act Hatchery Program

Salmon produced by the Mitchell Act hatcheries on the lower Columbia River are critically important in that they provide significant harvest opportunities for both Indian and non-Indian fisheries off the coast of Washington. This hatchery production is intended to mitigate for the lost production caused by the hydropower dam system on the Columbia River. This hatchery production is also important in that it dampens the impact of Canadian fisheries under the terms of the PST Chinook Annex on Puget Sound and coastal stocks. This funding provides for the operations of this important hatchery program and is required to mitigate for the federal hydropower system on the Columbia River.

CONCLUSION

We are sensitive to the budget challenges that Congress faces. Still, we urge you to increase the allocation and appropriations that can support priority ecosystem management initiatives. For the sake of sustainable health, economies and the natural heritage of this resource, it is critically important for Congress and the federal government to do even more to coordinate their efforts with state and tribal governments.

We are facing many environmental and natural resource management challenges in the Pacific Northwest caused by human population expansion and urban sprawl. Those challenges include increased pollution problems ranging from storm water runoff to de-oxygenated or “dead” areas in the Hood Canal, parts of Puget Sound and in the Pacific Ocean. The pathway to the future is clear to us. Federal, state and tribal governments must strengthen our common bond and move forward with the determination and vigor it will take to preserve our heritage.

Western Washington tribes are leaders in protecting and sustaining our natural resources. The tribes possess the legal authority, and the technical and policy expertise. They effectively manage programs to confront the challenges that face our region and the nation. The activities and functions the tribes perform benefit all citizens of the state of Washington and U.S.

The tribes are strategically located in each of the major watersheds, and no other group of people is more knowledgeable about the natural resources. No one else so deeply depends on the resources for their cultural, spiritual and economic survival. Tribes seize every opportunity to coordinate with other governments and non-governmental entities to avoid duplication, maximize positive impacts, and emphasize the application of ecosystem management. We continue to participate in resource recovery and habitat restoration on an equal level with the state of Washington and the federal government because we understand the great value of such cooperation.

Together, we must focus on the needs of our children, with an eye on the lessons of the past. We ask for Congress to continue to support our efforts to protect and restore our great natural heritage and support our funding requests. Thank you.

Mr. CULBERSON [presiding]. Thank you very much, Mr. Frank, and for your leadership, obviously, and protecting the rights of the people that you represent it looks like for many, many years. And thank you for being here with us today.

Mr. FRANK. Thank you.

Mr. FATTAH. Thank you. I am very concerned about the issues that you have raised and we are going to work hard to make sure that we can respond appropriately. Thank you.

Mr. CULBERSON. We do appreciate it, sir. And particularly appreciate the time and trouble you took to be with us today. And we are all keenly interested in protecting the environment and fishery stocks. Thank you very much, sir.

Mr. FRANK. We come here every year.

Mr. CULBERSON. Thank you. Thank you very much.

Mr. FRANK. I see my friends here.

Mr. CULBERSON. We are delighted to have with us our friend from, representing one of those beautiful stretches of coastline of the United States, Congressman Sam Farr with whom I have the pleasure to serve on another subcommittee of this great committee.

Mr. FARR. Well thank you, Mr. Chairman. I did not know you could be chairman of two committees. That is quite a treat.

Mr. CULBERSON. If I could just figure out how they would also let me serve on one of the authorizing committees, like Judiciary.

THURSDAY, MARCH 22, 2012.

FUNDING FOR NOAA

WITNESS

HON. SAM FARR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. FARR. It is a pleasure to be with my colleagues on the Appropriations Committee. I come here every year, and I am sad that Chairman Mr. Wolf is not here. But I am glad that you are in his footsteps, and my friend Chaka Fattah. Let me start off. You have an enviable role. This committee has responsibility for essentially not only the space sciences but the global sciences, the Earth sciences. And if you look behind you at the map that is up there, 73 percent of that map is water, ocean water. And what nobody knows is that of all the countries, none has more responsibility for the oceans than the United States because of our exclusive economic zones. We have members of Congress that are representing the South Pacific Islands, and we have exclusive jurisdiction around those islands. If you add up all that territory in the Pacific that we are responsible for, plus our coastal jurisdictions of 200 miles, and compare it to any other country in the world, we have more area.

The problem is, because we are so excited about our space travel and our space interests, when you compare the amount of money we are putting into NASA versus NOAA, and then what NOAA puts into weather versus ocean, the lowest priority in the pecking order is the ocean. And yet, our survival as human beings on this planet depends on the health of the oceans. And the people behind me know this better than I do, and still they come here every year.

And they have said the oceans are dying. And the oceans are dying because we have dumped everything that we do not want into the oceans. At the same time we take things out to feed us. Now we are finding that the things that we are taking out to eat are contaminated by the things we have dumped in.

So we have got to stop this process of killing the ocean. Because if we kill the ocean we kill mankind. NOAA will tell you, the weather folks, that the weather is initiated by ocean currents and atmospheric conditions, that is what creates the El Niños and so on.

So I am coming here to tell you that even the President's budget is not adequate. I know it is a zero sum game, you have to rob Peter to pay Paul, and you are probably going to be hit with a number that is lower than the President's request—I have to do the same thing on the committees that I am on and ranking, on Ag and FDA.

I have made 31 requests. I am not going to go over the list. But it probably represents almost everybody who is sitting behind me. Essentially really asking that we put this budget back into a bigger perspective than it is in. The ocean is an economic engine. The great economic territory in California is the coastal zones. It is where most people live, it is where most industry does business. If you add all the shipping that comes from the seas you end up realizing that our coastal and ocean dependent industries—in construction and tourism, recreation, medical—depend on healthy oceans. Pharmaceutical research is going to the oceans to learn because the ocean is a lot older than terrestrial beings. Organisms have developed enzymes and immune systems that we have not discovered on land yet. Our national security, which obviously we are all interested in, is related to the oceans. Transportation, and other sectors.

So I am here to just tell this committee that the continued cuts in NOAA are disproportionately higher than anyplace else. The one that shocks me most, which you both know well, is the NOAA's investment in education. If indeed we are going to show that the oceans are dying, and we have got this tsunami bringing—the Japanese tsunami bringing all this gear we have got to clean up, we have not figured out a way, we have not even authorized the Ocean Clean Up Bill.

NOAA's cut to education has been 75 percent since 2010. Those are grants that go to the BWET program, the minority education programs.

Mr. CULBERSON. Which category, Sam, has been cut by 75 percent?

Mr. FARR. NOAA's Office of Education.

Mr. CULBERSON. Oh, okay.

Mr. FARR. It has been cut by 75 percent since 1910, excuse me, 2010. Also, in the critical fisheries habitat, which is so important to the economy that you have been hearing about, salmon recovery and so on, restoration programs, they have been cut by 25 percent, 27 percent. And that is an industry that is dependent on healthy, abundant fish stocks, habitats and ecosystems. They support 1.5 million jobs, \$183 billion in sales, and \$79 billion in GDP in 2010 and we cut it 27 percent.

Habitat Conservation should be part of the President's Jobs Bill, it supports jobs. Your committee has a tough job and I do not envy you in this. But I am just asking this committee to have some passion for the oceans. We put passion in space. And if we just had a, just think, it was \$17 billion. I just, our Ag Committee, the whole responsibility for discretionary funding in agriculture is \$20 billion. NASA gets \$17 billion. I mean, it seems to me a little bit of NASA going into NOAA would help us a lot. Thank you very much.

[The information follows:]

SAM FARR
17TH DISTRICT, CALIFORNIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES
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March 15, 2012

TESTIMONY OF THE HONORABLE SAM FARR
BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee,

Thank you for this opportunity to submit testimony and for your continued oversight and support of ocean science, conservation and education within the National Oceanic and Atmospheric Administration (NOAA).

The United States has exclusive environmental and economic jurisdiction over approximately 4.5 million square miles of ocean, which is larger than the total combined land area of all the states and territories. This vast area abuts 672 coastal counties, which comprise a vital part of the U.S. economy by supporting tens of millions of jobs and contributing trillions of dollars a year (about half of our GDP) to our national economy. Currently, our ocean economy supports over 2.8 million jobs, primarily in tourism, recreation, and fishing sectors. Commercial fishing alone contributes over \$70 billion annually to our nation's economy, while over 25 million Americans fish recreationally every year. The economic benefits of our coastal and ocean-dependent industries deliver benefits to construction, tourism, recreation, transportation and numerous other economic drivers across the nation. Ultimately, the health and sustainability of our ocean and coastal resources are imperative for our national economy -- yet budget cuts within NOAA disproportionately draw from its oceans programs. I recognize that these are tough fiscal times in America, and Congress is trimming government budgets across the board; however, NOAA's ocean programs have been particularly hard hit with a nearly 14% reduction since 2010. With satellite procurement costs continuing to grow, it is critical that we maintain a balanced portfolio on investments across all of NOAA's missions¹.

America's oceans, coasts, islands and Great Lakes are among our greatest assets, and targeted support for necessary ocean protection, research, exploration and education will facilitate continued innovation, commerce, food security and our enduring cultural heritage. Yes, we must make cuts, but we also must think about increasing revenue and decreasing mandatory spending through improved economic performance and resilience in our whole economy. NOAA has been particularly successful to date in reducing inefficiencies, duplication and fragmentation. The agency is already streamlined. In a recently released Government Accountability Office report, listing over 50 federal agencies and programs that could be streamlined or consolidated to provide improved government services per federal expenditure, NOAA's coastal and ocean

¹ Economic statistics from the National Ocean Economics Program (2009). State of the Ocean and Coastal Economies. Available at: <http://www.oceanomics.org/NationalReport/>.

programs were unscathed². The proposed cuts in the President's budget will only succeed in undermining the oceanic and atmospheric management tools upon which our Nation increasingly relies.

Specifically, the budget proposed by the administration endangers the National Ocean Service, fishery conservation programs and highly successful ocean educational programs. It fails to recognize significant contribution that NOAA's oceans and coastal programs add to the strength of our economy. Arbitrary consolidations and reduced funding for these programs are unacceptable and have been broadly criticized by the scientific community who anticipate challenges meeting the agency's public health and safety mandates. From public engagement and education to marine conservation and advances in applied and basic science, NOAA's ocean programs provide technology and infrastructure to support our whole economy and acts as a catalyst for private investments in critical environmental sciences. When Congress has an opportunity to support such a vital, multifaceted and capable agency, it is critical that funding levels be appropriate to the tasks before it.

Last year, you accepted my amendment in full committee to restore essential funding to our most critical ocean and coastal programs. These dollars directly supported achievements in human health and safety, research innovation and long-term preservation of our most valued National resources. During this past year of extreme weather and a record number emergency events, this small redirection of funds allowed NOAA to maintain environmental monitoring capabilities and provide critical public services in FY12. Going into FY13, NOAA's resource base is already trim. Given the agency's long history of successes prioritizing and leveraging public expenditures to meet immediate and long-term needs, continued investments for NOAA's ocean and coastal programs are merited. I thank you for your consideration of this written testimony and sincerely appreciate your continued support of NOAA's ocean and coastal programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Farr", with a stylized, flowing script.

SAM FARR
Member of Congress

Mr. CULBERSON. Thank you, Sam.

Mr. FARR. Thank you.

Mr. FATTAH. Thank you, Sam.

Mr. FARR. Call me if you have any questions.

Mr. CULBERSON. Yes, we are going to also need your help with the sciences in general, protecting the sciences, NASA, NOAA, all of it. Because we are going to have to firewall all of them.

Yes, sir. Mr. Pierluisi, please.

Mr. PIERLUISI. Thank you.

Mr. CULBERSON. Delighted to have you with us. Thank you very much.

Mr. PIERLUISI. Thank you, Mr. Chairman.

Mr. CULBERSON. I look forward to your testimony.

THURSDAY, MARCH 22, 2012.

PUERTO RICO

WITNESS

HON. PEDRO PIERLUISI, A REPRESENTATIVE IN CONGRESS FROM PUERTO RICO

Mr. PIERLUISI. Mr. Chairman, Ranking Member Fattah, and members of the subcommittee. Thank you for giving me the opportunity to testify about the 2013 CJS Appropriations Bill. I have submitted a number of requests to the subcommittee. For example, under NOAA's ORF account I am asking the subcommittee to fund the National Tsunami Hazard Mitigation Program at the fiscal year 2012 enacted level.

I want to thank the subcommittee, and especially Chairman Wolf, for including language last year that requires NOAA to prepare a report detailing its capacity to predict tsunamis in the Caribbean and that requires the agency to accelerate its Tsunami-Ready program in Puerto Rico and the U.S. Virgin Islands. Tsunamis pose a major threat to my constituents and I look forward to continuing to work with you to ensure that they are adequately protected.

I am also asking the subcommittee to provide an additional \$3 million above the President's request to enable the Coral Reef Conservation Program to continue its support for competitive applied research necessary to protect our coral reefs. If the subcommittee is unable to plus up the Coral Reef Conservation Program for this purpose, then I respectfully ask that as an alternative the subcommittee provide enough funding for the Cooperative Institute's budget line under OAR to enable NOAA to establish a cooperative institute dedicated to coral reef research.

Notwithstanding the importance of these requests, Mr. Chairman, I want to focus my testimony on the public safety crisis in Puerto Rico and the U.S.V.I. and the important role this subcommittee can play in relieving that crisis.

Violent crime in Puerto Rico and the U.S.V.I. has been on the rise since the year 2000 even as violent crime nationwide has decreased substantially. The homicide rate in each territory is approximately six times the national average and nearly three times higher than any state. To put this in stark terms, Puerto Rico has

nearly the same number of annual murders that Texas does, even though Texas is home to 25 million people and Puerto Rico is home to fewer than 4 million people.

There are a number of factors that have contributed to this spike in violence. But perhaps the most important is geopolitical. As the U.S. government has increased resources along the southwest border and provided substantial funding to Mexico and Central American nations through the Merida Initiative, drug trafficking organizations have returned to well established routes through the Caribbean to get their products to market. According to estimates, three-quarters of the murders in Puerto Rico and the U.S.V.I. are linked to the drug trade. This is a problem of national, not simply regional, scope. According to briefings provided to my office, 70 percent to 80 percent of the cocaine that enters Puerto Rico is then transported to the U.S. mainland. Because Puerto Rico is an American jurisdiction, once drugs enter the island they are easily delivered to the states through commercial airlines and container ships without having to clear customs or otherwise undergo heightened scrutiny. Once in the states those drugs destroy lives and communities, especially along our nation's eastern border.

Indeed at a recent Judiciary Committee hearing, Attorney General Holder called drug related violence in Puerto Rico and the Virgin Islands a national security issue that we must confront.

And Senator Rubio, at a December 15 hearing, stated that if Jacksonville, Florida, were experiencing the same level of violent crime as Puerto Rico, people would be screaming about it right now. Mr. Chairman, I believe the Federal government can work closely with its local partners to do more to reduce the supply of drugs that enter American jurisdictions in the Caribbean and to reduce the violence that accompanies those drugs. That is why Governor Luis Fortuño, a Republican, and I, a Democrat, have jointly proposed that the administration establish a Caribbean Border Initiative modeled on the successful Southwest Border Initiative.

In light of the foregoing, my specific request for this year are the following. First, I ask the Subcommittee to fund the salaries and expense accounts for the FBI, DEA, and ATF at levels that will enable them to increase their resources and personnel in the U.S. jurisdictions in the Caribbean, at least on a temporary basis, but preferably on an enduring basis.

Second, I ask the Subcommittee in its report to accompany the bill, to direct these DOJ component agencies to make the reduction of drug related violence in Puerto Rico and the U.S.V.I. a national priority, just as we have rightly made the reduction of drug related violence along our southwest border a national priority. It is my firm belief that these agencies require additional direction and resources from Congress to spur them into action.

And, third, I ask the Committee to provide robust funding for the critical COPS and Byrne/JAG grant programs which have done so much to prevent and fight crime in Puerto Rico and other U.S. jurisdictions. That concludes my testimony. I know I have run out of time here and I appreciate the courtesy. Thank you very much for listening and I'll be glad to answer any questions you may have.

[The information follows:]

Congressman Pedro R. Pierluisi (Puerto Rico)
Testimony Before the Committee on Appropriations,
Subcommittee on Commerce, Justice, Science, and Related Agencies
March 22, 2012

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee: thank you for giving me the opportunity to testify about the 2013 CJS Appropriations bill.

Department of Commerce; National Oceanic and Atmospheric Administration; Operations, Research and Facilities

I have submitted a number of language and programmatic requests to the Subcommittee. For example, under NOAA's ORF account, I am asking the Subcommittee to fund the National Tsunami Hazard Mitigation Program at the Fiscal Year 2012 enacted level. I want to thank the Subcommittee, and especially Chairman Wolf, for including language in the Fiscal Year 2012 "minibus" that requires NOAA to prepare a report—due this month—that details its current capacity to predict tsunamis in the Caribbean and requires the agency to accelerate its "Tsunami Ready program" in Puerto Rico and the U.S. Virgin Islands. Tsunamis pose a major threat to my constituents, and I look forward to continuing to work with you to ensure that they are adequately protected.

I am also asking the Subcommittee to provide an additional \$3 million, above the President's request, to enable the Coral Reef Conservation Program to continue its support for competitive applied research necessary to protect our coral reefs. If the Subcommittee is unable to "plus up" the Coral Reef Conservation Program for this purpose, then I respectfully ask that, as an alternative, the Subcommittee provide enough funding for the Cooperative Institutes budget line under the Office of Oceanic and Atmospheric Research to enable NOAA to establish a cooperative institute dedicated to coral reef research.

Department of Justice; Federal Bureau of Investigation/Drug Enforcement Administration/Bureau of Alcohol, Tobacco, Firearms, and Explosives/Office of Justice Programs/Community Oriented Policing Services

Notwithstanding the importance of these requests, Mr. Chairman, I want to focus my testimony today on the public safety crisis in Puerto Rico and the U.S. Virgin Islands, and on the important role this Subcommittee can play in relieving that crisis.

Violent crime in Puerto Rico and the USVI has been on the rise since the year 2000, even as violent crime nationwide has decreased substantially. The homicide rate in each territory is approximately six times the national average and nearly three times higher than any state. To put this in stark terms, Puerto Rico has nearly the same number of annual murders that Texas does, even though Texas is home to 25 million people and Puerto Rico is home to fewer than four million.

There are a number of factors that have contributed to this spike in violence, but perhaps the most important is geopolitics. As the U.S. government has increased resources along the Southwest Border and provided substantial funding to Mexico and Central American nations with the Mérida Initiative, drug trafficking organizations have returned to well-established routes through the Caribbean to get their products to market. According to some estimates, three-quarters of the murders in Puerto Rico and the USVI are linked to the drug trade. And most are carried out with illegal firearms.

This is a problem of national, not simply regional, scope. According to briefings provided to my office, 70 to 80 percent of the cocaine that enters Puerto Rico is then transported to the U.S. mainland. Because Puerto Rico is an American jurisdiction, once drugs enter the Island, they are easily delivered to the states, through commercial airlines and container ships, without having to clear customs or otherwise undergo heightened scrutiny. Once in the states, those drugs destroy lives and communities, especially along our nation's eastern seaboard. Indeed, at a 2011 Judiciary Committee hearing, Attorney General Holder called drug-related violence in Puerto Rico and the USVI a "national security issue" that "we must confront." And Senator Rubio, at a December 15th hearing, stated that if Jacksonville, Florida were experiencing the same level of violent crime as Puerto Rico, "people would be screaming about it right now." Senator Rubio went on to tell the Administration witness: "I just want to make sure from not just the Administration but from the Congressional perspective that we are paying just as much attention to it because Puerto Rico is a domestic responsibility of ours. It is not another country. And so I want to make sure that we are giving it the attention it deserves both resource-wise and publicly."

Mr. Chairman, I believe that the federal government, working closely with its local partners, must do far more to reduce the amount of drugs that enter American jurisdictions in the Caribbean and to lower the violence that accompanies those drugs. That is why Puerto Rico Governor Luis Fortuño (a Republican) and I (a Democrat) have jointly proposed that the Administration establish a Caribbean Border Initiative, modeled on the successful Southwest Border Initiative. This would be a well-coordinated, well-funded, well-executed, government-wide strategy encompassing all federal agencies—including DOJ, DHS, and DOD—that have a role in combating drug trafficking and related violence.

The three primary law enforcement agencies within DOJ—the FBI, DEA, and ATF—are on the front lines of this fight. Thus, as the Subcommittee makes its decisions regarding the proper funding levels for these agencies, I urge you—in the most respectful, but also in the strongest possible, terms—to ensure that those funding levels are sufficient to enable the agencies to devote the necessary resources and personnel to Puerto Rico and the USVI. And I urge the Subcommittee to emphasize that reducing drug-related violence in our Caribbean territories is both a national responsibility and a national priority.

I want to thank the Subcommittee for the steps it has already taken on this matter. In last year's bill, based on my request, the Subcommittee required the DEA to prepare a report—due this month—on their efforts to boost the recruitment and retention of agents in the U.S. territories in the Caribbean. I believe the message the Subcommittee sent with this provision has been received. At a recent meeting with DEA Administrator Leonhart, I was advised that DEA has

increased the number of agents assigned to Puerto Rico by 30 percent in the last few years. On the other hand, the number of ATF agents in Puerto Rico has gone down, despite the fact that gun-related violence on the Island is on the rise.

In light of the foregoing, my specific requests are as follows:

- First, I ask the Subcommittee to fund the Salaries and Expenses accounts for the FBI, DEA and ATF at levels that will enable them to increase their resources and personnel in the U.S. jurisdictions in the Caribbean—at least on a temporary basis but preferably on an enduring basis.
- Second, I ask that the Subcommittee, in its report to accompany the 2013 bill, direct these agencies to make reduction of violent crime in Puerto Rico and the USVI a national priority, just as we have rightly made reduction of violent crime along our Southwest Border a national priority. It is my firm belief that these component agencies require additional direction and resources from Congress to spur them into action.
- Third and finally, I ask the Committee to enact the amount requested by the President for the critical COPS and Byrne JAG grant programs, which have done so much to prevent and fight crime in Puerto Rico and other U.S. jurisdictions.

That concludes my testimony. Thank you again for the opportunity to speak, Mr. Chairman.

Mr. CULBERSON. I believe it would be the FBI to make sure that we've got adequate law enforcement, federal, ATF, DEA, FBI, tip of the spear law enforcement is where you really need the help.

Mr. PIERLUISI. Yeah. And it could be on a temporary basis. What I'm talking about is promoting special details. I mean, we are undergoing a crisis down there. As I said, Attorney General Holder has confirmed it, views it as a national security issue. Senator Rubio, Senator Menendez. It's bipartisan. Senator Rubio has basically said this is outrageous. We need to pay attention to this. This is a domestic responsibility. You're not talking about a foreign country. And even you're talking about American citizens for starters.

But on top of it, it makes no sense. I am a former Attorney General of Puerto Rico. I was the Attorney General in the mid-1990s when Puerto Rico got designated as a high intensity drug trafficking area. I was the one who requested it. And it's amazing that we are pretty much in the same place we were back then, even though crime went down.

Somewhere in there, Puerto Rico lost priority in the Federal realm. We started looking at the Mexican border, which is fine. I'm not saying that we shouldn't be devoting attention to that border, but we lost sight of the fact that this is like a balloon effect. If you simply closed that border, they simply changed routes. It's a moving target.

So it makes sense to make sure that we have an initiative for the Caribbean, that we encourage the agencies within their resources. I'm not talking about necessarily increasing the appropriations as a whole, but telling you need to prioritize. It is like any management decision.

Mr. CULBERSON. Sure. I just want to reiterate for the chairman, in particular, you said right before you came in that you wanted to see more FBI, ATF, DEA. And, also, the murder rate, I was unaware of this in Puerto Rico, is equal to the State of Texas, which is extraordinary and really tragic that, I mean, 25 million people in Texas and we have concealed carry and deal with a lot of it ourselves and it keeps the murder rate down, in fact. And so it's a problem.

Also, human smuggling is a terrible problem in Puerto Rico, Mr. Chairman. And something else that the smugglers have figured out is that they can sneak into the United States not only drugs, but people. And, potentially, terrorists coming through Puerto Rico, because when they land in Puerto Rico, they're in.

Mr. PIERLUISI. I tell you, I've had private briefings with all of the—the DEA administrator, the head of ATF. All of them have come to my office. And what I'm telling them is we need to do everything we can to seal Puerto Rico on the way in, as well as on the way out.

The drugs come in. We have 300 miles of coast. We have a very busy port and a major airport, so we need to cover those. But, also, on the way out because the drugs come in and, basically, 70 to 80 percent of those drugs end up in the mainland. So we need to seal the airport and the seaports as much as we can on the way up to the U.S. mainland.

If we do that, violence will come down. I guarantee it. And we're helping our own communities up in the mainland, as well, because these drugs end up in the markets on the eastern border, on the east coast of the U.S. primarily.

Mr. FATTAH. Thank you for your testimony. Let me say that I'm speaking for the Chairman. I know you will get some of the help that you need and I think it's reasonable because the Chairman will help direct some of our federal law enforcement agencies in your direction. Thank you very much.

Mr. PIERLUISI. Thank you.

Mr. WOLF. Well, I apologize for not being here. I was outside with a group from my district. I'll take a look at your testimony, but we'll try to work together.

Have they put together a task force? We had a major gang problem in my area. Major. We put together a task force, FBI, DEA, ATF, Marshals Service, all of the local police. They meet at one locality. Is there anything special being done?

Mr. PIERLUISI. Yes.

Mr. WOLF. I mean, is there a federal coordinator? Have they said to you it's nice talking to you, I'll look at it? Or did they say, okay, we're going to come in for 90 days.

We had a problem here in the District of Columbia about ten years ago. We called the FBI, the DEA, ATF, Marshals Service, the police chief and we had to put teams in. We just hit it and hit it and hit it and hit it. And it dramatically dropped it down. Now, you know, if you read the papers, unfortunately, it's beginning to come back.

But is there anything special being done by the FBI, DEA, ATF?

Mr. PIERLUISI. There are multiple task forces. The latest one has to do with prosecuting individuals who commit crimes with illegal guns, violent crimes. In federal court, our local prosecutors are the ones acting as special assistant U.S. attorneys, so it's pretty creative. For investigative purposes, our local police is providing personnel to ATF, actually, to support what ATF is doing on those cases.

But there are many examples. There's a High Intensity Drug Trafficking Area program, and there are other task forces. They are working well, but we cannot do simply more of the same. We need to come in with special details, like you just mentioned, Mr. Chairman, additional resources until this crisis—

Mr. WOLF. Well, why don't you call us and we can set up a meeting. Probably get the FBI, DEA, ATF, and Marshals Service in and see if there are some creative thought or idea. So why don't you be in touch with the Committee and we can work it out.

Mr. PIERLUISI. I will.

Mr. WOLF. Thank you very much.

Mr. PIERLUISI. Thank you so much.

Mr. WOLF. Thank you. Jason Patlis, President and CEO, National Marine Sanctuary Foundation.

THURSDAY, MARCH 22, 2012.

NATIONAL MARINE SANCTUARY FOUNDATION**WITNESS****JASON M. PATLIS, PRESIDENT AND CEO, NATIONAL MARINE SANCTUARY FOUNDATION**

Mr. PATLIS. Good afternoon, Mr. Chairman and Ranking Member, and members of the Subcommittee. I thank you for the opportunity to testify today in support of a robust and capable National Marine Sanctuary System.

My name is Jason Patlis and I'm here today on behalf of the National Marine Sanctuary Foundation. Our national marine sanctuaries, and I know this Subcommittee knows them well, are those places that define our American ocean. They include the wreck of the Civil War USS *Monitor*, which this year is celebrating its 150th anniversary off of the coast of North Carolina. They include the vibrant coasts, corals, and the Gulf of Mexico's flower garden banks off the coast of Texas, and they include traditional ocean recreation destinations like George's Graves Reef, Monterey Bay, represented by Congressman Sam Farr, and Washington's Olympic Coast. These are American icons. And they represent our national heritage at sea.

If I may, I've got three points I'd like to make in this testimony. The first is that we are deeply, deeply concerned by the President's fiscal year 2013 proposal to terminate all funding, basically zero out the National Marine Sanctuaries, the PAC funds, the procurement line item which includes vessel acquisitions and visitor center construction.

This would result in multiple unfinished construction projects all across the system, including one in the Presidio at Crissyfield, which is headquarters for Fairlawn's national marine sanctuary. And this year, in particular, in San Francisco, which will be hosting the America's Cup, the city expects to see more than five million people descend upon the San Francisco waterfront. The newest building in the Presidio is 74 years old, so you can imagine the renovation needs that are there, including for the site headquarters.

An example to relate to that, imagine a building constructor, a building developer, having construction projects throughout a system, have all of that funding pulled out and housing in various stages of completion come to a grinding halt. That's what the sanctuary system is looking at by losing its PAC funding.

At the same time, that termination would also prevent NOAA from acquiring vessels necessary for core research, education, and law enforcement missions within the sanctuary system. Those cannot be accomplished by land alone, and imagine, again, looking at a land example, a land manager not having vehicles, not having cars and trucks to conduct its business and do its enforcement. That's what the sanctuary program is looking at if PAC funding is zeroed out. PAC funds support direct job creation and economic growth through the construction and operation of vessels, incentives, and other facilities and I really urge you to oppose the President's request to zero out that line item.

Second, experience shows that sanctuaries are vital to maintaining a healthy balance across our coasts and the return on the investment is huge. My written testimony includes a number of examples. I'll mention just a two here. Off of Massachusetts, Stowag and Bank, taxpayers put in \$2 million annually and the return is \$126 million through the tourist industry and commercial whale watching, which is the single biggest whale watching destination in the country. Down in Monterey Bay on the West Coast, taxpayers put in \$3 million. The return on investment there for research and education industry along that coast of California, they see 2,100 people employed and a budget of \$291 million. And that's 2012 figures.

My third point is that I am representing these views not only on behalf of the National Marine Sanctuary Foundation, but on behalf of the national network of site based groups across the country that represent individual sanctuaries. Together we represent the national network in support of a robust sanctuary system, which really anchors the strength of the economy and the culture of our coastal communities across the country. Thank you very much.

Mr. WOLF. Thank you very much for your testimony. Mr. Fattah. Mr. FATTAH. Thank you for your testimony.

[The information follows:]

Mr. Jason Patlis, President and CEO, National Marine Sanctuary Foundation
Testimony Submitted to the House Appropriations Subcommittee on Commerce, Justice,
Science, and Related Agencies
“FY2013 Commerce, Justice, Science, and Related Agencies Appropriations”
March 22, 2012

Appropriations Request

For twelve years, the National Marine Sanctuary Foundation (NMSF) has worked with Congress and the National Oceanic and Atmospheric Administration (NOAA) to connect our fellow citizens to the underwater places that define the American ocean – the National Marine Sanctuary System. The President’s Budget Request for 2013 could jeopardize economic growth in coastal communities by terminating funding for national marine sanctuary vessel acquisition and visitor center construction, including the completion of ongoing projects. NMSF respectfully requests that the subcommittee remedy this situation by appropriating:

- ***\$5.495 million to the Marine Sanctuaries Construction Base, within NOAA’s Procurement, Acquisition, and Construction account (FY2012 enacted level); and***
- ***\$49 million to the Marine Sanctuary Program Base, within NOAA’s Operations, Research, and Facilities account (FY2010 enacted level).***

Joining NMSF in this request is the national network of community-based, non-profit organizations that support specific sites within the sanctuary system. On behalf of their members from coast to coast, the Channel Islands Sanctuary Foundation (CA), Cordell Marine Sanctuary Foundation (CA), Farallones Marine Sanctuary Association (CA), Friends of Thunder Bay National Marine Sanctuary (MI), Monterey Bay Sanctuary Foundation (CA), Olympic Coast Alliance (WA), Sanctuary Friends Foundation of the Florida Keys (FL), and Stellwagen Alive! (MA) support funding National Marine Sanctuary System at these levels. Please see Appendix I for details.

While we recognize the challenges associated with providing increased funding in the current budget climate, and the need to fund other important programs under the jurisdiction of the subcommittee, we believe that the President’s FY2013 budget request fails to address critical sanctuary contributions to coastal job creation and economic growth, from supporting tourism to providing construction jobs. It also continues a deeply disturbing trend of underfunding the sanctuary program – despite nearly a decade’s worth of unmistakable signals from Democrats and Republicans in both houses of Congress that the program warrants additional funds.

National Marine Sanctuaries are Economic Engines for Coastal Communities

National marine sanctuaries support economic growth and hundreds of coastal businesses in sanctuary communities; preserve vibrant underwater and maritime treasures for our children and grandchildren to enjoy; and provide critical public access for ocean recreation, research, and education. Investing in these sites does much more than simply protect small areas of the ocean – national marine sanctuaries are economic engines for coastal communities, and investing in sanctuaries is a down payment on the future of fishing families, dive operators, and whale-watching vendors, not to mention the many other Americans whose livelihoods are dependent on a healthy ocean and coasts. We offer the following examples to suggest that the benefits of funding our national marine sanctuaries far outweigh the federal outlays that support them:

- Management of the Stellwagen Bank National Marine Sanctuary off Massachusetts costs taxpayers under \$2 million annually, and healthy sanctuary waters draw the tourists who spent \$126 million on commercial whale-watching trips there during 2008 alone, supporting 31 businesses and almost 600 jobs.¹
- Taxpayers spend less than \$3 million per year to manage the Monterey Bay National Marine Sanctuary off California, whose waters are the focus of a marine science and education industry that employed over 2,100 people and had a \$291 million budget in 2012.²
- The Florida Keys National Marine Sanctuary, where management costs less than \$6 million per year, protects coral reefs and legal fishing opportunities that are the backbone of a marine tourism and recreation industry in the two adjacent counties – employing over 70,000 people and contributing \$4.5 billion per year to state GDP.³
- On the shores of Lake Huron, Michigan's Thunder Bay National Marine Sanctuary costs under \$1 million annually and serves as a destination for tourists who spent \$110 million visiting the three adjacent counties in 2000, providing almost \$36 million in personal income and supporting 1,700 jobs.⁴
- Taken as a whole, the National Marine Sanctuary System manages our waters at a cost to taxpayers of approximately \$340 per square mile, while management of National Park Service properties costs over \$16,000 per square mile.⁵

Investments in our National Marine Sanctuary System provide incredible returns to society, both today and for future generations, and we encourage the subcommittee to provide additional resources to sanctuaries wherever possible, enabling them to stimulate coastal economies, promote ocean recreation, and create a healthy, long-term balance on the water.

National Marine Sanctuaries Start and Stay in Local Communities

The designation and management of new sanctuaries is wholly dependent on a 'bottom-up' process where local communities are involved from very beginning – sanctuaries actually devolve power from Washington, DC and give constituents control over the destiny of their coasts. All sanctuary rules and regulations are developed on a site-by-site basis, and sanctuaries are designed from the outset to accommodate multiple uses of the ocean. Coastal communities have a controlling influence on sanctuary priorities, ensuring that they address unique, local circumstances. This community-driven approach to decide where sanctuaries are located and what is allowed within them is one of the most public in our democracy. National marine sanctuaries are created by and for the people: citizens and communities propose sites and then have at least three additional chances to weigh in during the process. In addition, over 700 Sanctuary Advisory Council representatives from the fishing, tourism, and maritime commerce industries; Tribes, state and local government; and researchers, educators, and conservationists spend over 13,000 hours each year to help manage sanctuary operations day-to-day. Sanctuaries are also hubs for volunteer activity: over 100,000 hours are contributed by local sanctuary volunteers each year.

National Marine Sanctuaries' Programmatic Outlook under Proposed FY13 Funding Levels

We remain concerned that NOAA's Office of National Marine Sanctuaries (ONMS) has not received sufficient appropriations for several consecutive budget cycles. As a result of these shortfalls, a consolidation with NOAA's Marine Protected Areas Center (MPA Center), and the continued underfunding proposed for FY13, we project the termination of contractors who perform

FTE-equivalent duties; reduced operations at visitor centers; a lack of contingency funding needed in case of emergencies like oil spills; and inoperable vessels tied up at the docks. In addition, lack of funds will likely result in cuts to public access and recreation opportunities, cancellation of partnerships that leverage private funds for taxpayer benefits, and the dismantling of successful education initiatives.

The potential impact of reducing sanctuary appropriations goes far beyond the individual sanctuaries themselves: limiting visitor center hours, eliminating research programs, and diminishing enforcement capacities will prevent ONMS from fulfilling its statutory mandates while also reducing the economic activity and job creation that surrounds healthy sanctuary communities from coast to coast. For example, funding national marine sanctuaries below the recommended levels could force the program to:

- **Cut treasured public access and recreation opportunities for all Americans.**
Funding cuts risk the Florida Keys National Marine Sanctuary's 767 mooring buoys, which provide public access and recreational opportunities within the sanctuary while protecting coral reefs and shipwrecks from anchor damage, preserving them for future generations.
- **Restrict enforcement operations that protect legal fishermen by guarding against illegal fishing.**
Lack of funding jeopardizes on-water patrols for illegal lobster fishermen in the Florida Keys NMS. In a single 2010 case, illegal fishermen pilfered 8,500 pounds of spiny lobster within a six-month period. The lobster had a street value of \$155,000 – money that was effectively taken out of the pockets of hardworking, legal fishermen.
- **Dramatically shrink visitor center hours.**
Visitor centers are a vital link between sanctuaries and the millions of Americans who visit the coast each year and serve as the public face of NOAA. Sanctuary visitor centers see over 200,000 visitors per year, including the Mokupāpapa Discovery Center (Hilo, HI), Great Lakes Maritime Heritage Center (Alpena, MI), and Florida Keys EcoDiscovery Center (Key West, FL).
- **Eliminate cooperative education efforts with local museums that leverage private funds for taxpayer benefits.**
Placing exhibits in partner institutions, like the California Academy of Sciences' three-story "California Coast" aquarium, is a successful and cost-effective method for reaching the American public. Over 1 million Academy visitors each year learn how the Gulf of the Farallones National Marine Sanctuary protects America's valuable ocean and maritime resources.
- **Cancel collaborative research efforts with local universities that leverage private funds for taxpayer benefits.**
Funding cuts could risk partnerships with Oregon State University, Stanford University, and the University of California for collection of wind, tide, current, and marine life data critical to maritime commerce and search-and-rescue operations within the Channel Islands, Monterey Bay, Gulf of the Farallones, Cordell Bank, and Olympic Coast National Marine Sanctuaries.
- **Dismantle successful education initiatives that save taxpayers money by focusing on low-cost prevention instead of expensive restoration or remediation.**
The Multicultural Education for Resource Issues Threatening Oceans (MERITO) program's media outreach has touched over 13 million California residents. The California Bay-Watershed Education and Training (B-WET) program increases the stewardship ethic of participating

youth, and local communities in the Chesapeake Bay, Gulf of Mexico, Hawaii, New England, and Pacific Northwest have imported the program.

NOAA Needs Sufficient Funds to Fulfill its Responsibilities to the American People

As a member of the Friends of NOAA coalition, the National Marine Sanctuary Foundation works with other supporters, stakeholders, and partners of NOAA to educate and inform interested audiences about the full range of NOAA activities, enabling the agency to more effectively carry out its responsibilities relating to our ocean and coasts, fisheries, research, and weather and climate, including satellites. NOAA is one of the premier science agencies in the federal government and provides decision makers with critically important data, products, and services that promote and enhance the nation's economy, security, environment, and quality of life. Over 1.5 million NOAA weather forecasts and warnings per year generate benefits of at least \$31.5 billion, and the agency's ocean and atmospheric research, fisheries management, and satellite enterprises are essential for the continued prosperity of our nation.⁶ For example, recovery of overfished stocks has produced an additional \$2.1 billion in income and \$5 billion in sales over the past decade.⁷ Providing insufficient funding for NOAA will only serve to diminish the economic activity and job creation that is at present successfully revitalizing communities across America.

We hope the subcommittee will see the benefits of investing in NOAA and the National Marine Sanctuary System, and that a failure to provide sufficient funding will endanger, quite literally, American lives and livelihoods across the nation.

¹ O'Connor, Simon *et al* (2009). *Whale Watching Worldwide: tourism numbers, expenditures and expanding economic benefits*, a special report from the International Fund for Animal Welfare. Prepared by Economists at Large. Available: http://www.ifaw.org/Publications/Program_Publications/Whales/asset_upload_file841_55365.pdf.

² Monterey Bay Crescent Ocean Research Consortium. (2012) "Major Marine Sciences Facilities in the Monterey Bay Crescent-2012." Available: http://web.me.com/paduan/mbcorc/Membership_Info_files/MontereyBayLabs2012-2.pdf.

³ National Ocean Economics Program. (2004) "Ocean Economy Data." Available: <http://www.oceaneconomics.org/Market/ocean/oceanEconResults.asp?IC=N&selState=12&selCounty=12086&selCounty=12087&selYears=All&selSector=6&selIndust=All&selValue=All&cbMultiplier=Multiply&selOut=display&noepID=3204>.

⁴ Michigan Sea Grant. (2009). "Northeast Michigan Integrated Assessment Final Report." Available: <http://www.miseagrant.umich.edu/downloads/nemia/report/NEMIA-Final-Report.pdf>.

⁵ Office of National Marine Sanctuaries. (2011) "Sanctuary Watch, Summer 2011." U.S. Department of Commerce: NOAA National Ocean Service, National Marine Sanctuary Program. Available: <http://sanctuaries.noaa.gov/news/pdfs/sanctuarywatch/sw0611.pdf>.

⁶ Lazo, J.K., D.M. Waldman, B.H. Morrow, and J.A. Thacher. 2010. "Assessment of Household Evacuation Decision Making and the Benefits of Improved Hurricane Forecasting." *Weather and Forecasting*. 25(1):207-219.

⁷ National Marine Fisheries Service.



March 8, 2012

The Honorable Frank R. Wolf
H-309, The Capitol
Washington, DC 20515

Dear Chairman Wolf:



As Congress begins negotiations on the Fiscal Year 2013 Commerce, Justice, Science, and Related Agencies Appropriations bill, we respectfully request that you prioritize programmatic requests for:

- **Marine Sanctuaries Construction Base**, within the National Oceanic and Atmospheric Administration's (NOAA) Procurement, Acquisition, and Construction (PAC) account **at a level of \$5.495 million**; and
- **Marine Sanctuary Program Base**, within NOAA's Operations, Research, and Facilities (ORF) account, **at a level of \$49 million**.



We are deeply concerned by recent proposals to terminate sanctuaries' PAC account, which would likely result in multiple, unfinished construction projects including at the Gulf of the Farallones headquarters on San Francisco's Crissy Field and the Hawaiian Islands Humpback Whale offices in Kihei, Maui. Moreover, a lack of PAC funding will prevent NOAA's Office of National Marine Sanctuaries (ONMS) from acquiring the vessels necessary to complete core research, education, and law enforcement missions that simply cannot be accomplished from land alone. Sanctuary PAC funds support direct job creation and economic growth through the construction and operation of vessels, visitor centers, and other facilities, and we strongly encourage you to oppose terminating PAC funds that provide critical links between our ocean and the millions of Americans who visit the coast each year.



Experience shows that national marine sanctuaries are vital to maintaining the healthy ocean ecosystems that underpin our incredibly productive coastal economies – and the return on our investment in sanctuaries is simply too valuable to ignore. For example, management of the Stellwagen Bank National Marine Sanctuary costs taxpayers only \$1.5 million annually and draws the tourists who spent \$126 million on commercial whale-watching trips there during 2008 alone. It is clear that sanctuaries make critical contributions to coastal job creation and economic growth, and that they do so in an incredibly cost-effective manner. Consider that ONMS cares for sanctuaries at approximately \$340 per square mile, while management of National Park Service properties costs over \$16,000 per square mile.



We remain concerned that ONMS has not received sufficient appropriations for several consecutive budget cycles. Continued underfunding in FY13 will likely result in termination of contractors who perform FTE-equivalent duties; reduced operations at visitor centers; a lack of contingency funding needed in case of emergencies like oil spills; and inoperable vessels tied up at the docks. In addition, lack of funds will likely result in cuts to public access and recreation opportunities, cancellation of partnerships that leverage private funds for taxpayer benefits, and the dismantling of successful education initiatives.



Closing visitor centers, eliminating research programs, diminishing enforcement capacities, and abolishing education initiatives will prevent ONMS from implementing sanctuary management plans – driven and informed by local communities and constituents – for yet another year. We strongly urge you to remedy this situation by supporting an overall appropriation of \$54.5 million for sanctuaries in FY13.



Thank you for your consideration of this request. We wish you all the best for the remainder of the 112th Congress.

Sincerely,



Jason Patlis
National Marine Sanctuary
Foundation

Charles N. Wiesen
Friends of Thunder Bay National
Marine Sanctuary

George Neugent
Sanctuary Friends Foundation
of the Florida Keys



Tom Lambert
Cordell Marine Sanctuary
Foundation

Dennis Long
Monterey Bay & Channel Islands
Sanctuary Foundations

John Williamson
Stellwagen Alive!

Terri Watson
Farallones Marine Sanctuary
Association

Jill Silver
Olympic Coast Alliance

Mr. WOLF. Next, William Chandler, National Marine Conservation Institute.

THURSDAY, MARCH 22, 2012.

NATIONAL MARINE CONSERVATION INSTITUTE

WITNESS

WILLIAM CHANDLER, NATIONAL MARINE CONSERVATION INSTITUTE

Mr. CHANDLER. Thank you, Mr. Chairman, Mr. Ranking Member, and members of the Subcommittee. My name is William Chandler. I represent Marine Conservation Institute, a nonprofit conservation organization based in Bellevue, Washington.

First, I'd like to thank the Subcommittee for approving a \$48 million increase for ocean conservation programs during the fiscal year 2012 process. I realize the Subcommittee faces another tough challenge this year, trying to fund both the increasingly expensive satellite program and NOAA's conservation programs.

As budget cutting pressures continue, we, along with others in the conservation community, are frankly concerned and we do not want to see the satellite program basically displace other important needs within NOAA. So this is one problem I'd like to call to your attention. And I think this echoes remarks of Mr. Farr, the ones he made earlier today. We believe that, to cover all bases, if the Committee could see its way to put out a \$5.3 billion appropriation bill for NOAA, that would do that this year. And that is what we are recommending. This would pay for all of those things and restore the ocean and coastal programs to their 2010 level. Those programs, by the way, have been cut 14 percent since then. They suffered a 14 percent decline.

I'd now like to highlight a couple of NOAA's conservation programs that need and deserve more funding. You already heard about the marine sanctuaries. We recommend the program also be funded at \$54.5 million, including \$5 million for the construction account.

I should note that NOAA proposed to merge the marine protected areas program into the sanctuaries program this year. If this merger were to occur, we recommend that a sum of money also go with that merger, which is not the case at the moment. They are only transferring the FTEs over to the sanctuary program with no additional budget.

Second, the Hawaiian monk seal found only in Hawaii is one of the most endangered marine mammals in the world. As you know, I have testified on this before. It has been conservatively estimated that 30 percent of all the seals alive today are alive because of the actions of NOAA and its partners in Hawaii.

We definitely appreciate the Subcommittee's past support for the seal recovery program and we are now asking for your help again. The recovery program has been severely cut from a level of about \$5.5 million in the 2010, which you all approved, to \$2.7 million in the 2013 request. This reduction has significantly reduced NOAA's capabilities to do management, public education, and outreach. It will also hold back an innovative program that they want to imple-

ment beginning this year to start moving seals around where they can get healthier in one place and then be moved back to another place. Its experimental, but it's very important for the survival of the species.

We request that the Committee provide \$5.5 million this year for the monk seal recovery program. And I should say that the Marine Mammal Commission and the monk seal recovery team have both expressed concerns about the inadequate funding the program is now suffering.

Finally, marine debris, another subject we have discussed before before the Subcommittee. We support the President's request of \$5 million for the program in 2013. NOAA proposes to relocate the debris program from NOS to the National Marine Fisheries Service.

We recommend the program is best served staying within the National Ocean Service. Its current placement allows the program to leverage resources available to the Office of Response and Restoration. It also facilitates partnerships with fishermen in the fishing industry in a non-regulatory setting, which they have to face over in the National Marine Fisheries Service. That concludes my testimony, Mr. Chairman, and thank you for your time and I appreciate your continued interest in NOAA's conservation programs.

Mr. WOLF. Thank you very much, Mr. Chandler. Mr. Fattah.

Mr. FATTAH. I want to thank you for your testimony, Mr. Chandler. I have to step outside and take a meeting, but if I could have the gentleman from Texas represent my side—

Mr. CULBERSON. Sure.

Mr. FATTAH [continuing]. In my absence.

Mr. CULBERSON. I'll look after you. I know that the press picks up any disagreement they perceive, but we agree 99 percent of the time.

Mr. CULBERSON. Especially on this.

Mr. WOLF. That shows tremendous confidence. Or recklessness. One or the other.

Mr. CULBERSON. Very quickly. The tsunami in Japan I understand has created a debris field the size of Delaware or some extraordinary massive route. But the debris is now north of Hawaii—

Mr. CHANDLER. That's right.

Mr. CULBERSON [continuing]. And heading towards the coast of California.

Mr. CHANDLER. That's correct. I think they are predicting around a thousand tons of debris are eventually going to hit somebody's shore. I don't think it's quite arrived in the northwestern Hawaiian Islands at the moment, but there's a lot of stuff floating around out there.

Mr. CULBERSON. I think there's far more than a thousand tons. The reason I mention it, Mr. Chairman, is because I think this is going to be a significant problem for the entire northwest, maybe for the people of Hawaii. A huge problem.

Mr. CHANDLER. Absolutely.

Mr. CULBERSON. Automobiles, houses, bodies. It's apparently an unbelievable, terrible ecological disaster headed towards us.

Mr. CHANDLER. Absolutely. And that's another reason to fund the marine debris problem. Hawaii suffers terribly from marine debris

because it sort of acts like a filter before the stuff gets across the Pacific. But it's quite possible some of that stuff will show up on west coast shores, as well.

Mr. CULBERSON. Like within the next year or two.

Mr. CHANDLER. Within the next year or two, sir.

Mr. CULBERSON. Okay. Isn't it also true that part of the reason the salmon population hurt is there has been tremendous growth in marine mammal populations, the sea lions off the coast of California have been reproducing in great numbers, the sea lions, and nobody can hunt or do anything about it? They are eating salmon. And I see a head nodding behind you.

Mr. CHANDLER. I'm not an expert on that issue, Mr. Culberson, but it is a fact that some sea lions will stake out places where they can eat fish. There's no doubt about that.

Mr. CULBERSON. There are record populations of sea lions on the coast, maybe one of the things that's pertinent to you guys. Thank you very much.

Mr. CHANDLER. Thank you, sir.

Mr. WOLF. Thank you.

[The information follows:]



William Chandler, VP for Government Affairs

March 16, 2012

*The Honorable Frank R. Wolf, Chairman
Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
United States House of Representatives, H-307
Washington, DC 20515*

Mr. Chairman and Members of the Subcommittee:

Marine Conservation Institute, based in Bellevue, WA, is a nonprofit conservation organization that uses the latest science to identify important marine ecosystems around the world, and then advocates for their protection. I wish to thank the members of the subcommittee for the opportunity to submit written testimony on the FY 2013 appropriations and request \$5.3 billion for National Oceanic and Atmospheric Administration (NOAA). This level of funding would support satellite acquisition, while restoring funding for the ocean, coastal, and fisheries programs to the FY 2010 enacted level.

America's oceans play a vital role in our nation's economy. According to the National Ocean Economics Program, the US ocean economy contributes more than \$130 billion to our nation's Gross Domestic Product from living marine resources, tourism, recreation, transportation, and construction. Additionally, over 2.4 million jobs in the US depend on the marine environment. NOAA's programs are critical to fostering this activity and protecting ocean health for sustained use.

I would like to highlight a few programs of particular interest to Marine Conservation Institute which focus on NOAA's conservation mandate.

Hawaiian Monk Seal Recovery

NOAA has responsibility for recovering the Hawaiian monk seal, one of the most critically endangered marine mammals in the world. It is also the only marine mammal whose entire distribution range lies within our national jurisdiction; thus the US has sole responsibility for its continued survival. Over the last 50 years, the Hawaiian monk seal population has declined to less than 1200 individuals. The majority of the population resides in the remote Papahānaumokuākea Marine National Monument; however, a smaller (but growing) population resides in the Main Hawaiian Islands (MHI).

NOAA is making progress implementing the monk seal recovery plan, and needs additional resources to stay on track. It has been conservatively estimated that 30% of the monk seals alive today are due to direct actions by NOAA and its partners¹.

¹ McAvoy, Audrey. "Feds – Efforts to rescue monk seals helping species." Associated Press in West Hawaii Today, January 26, 2012

The subcommittee's decisions to more than double the program funds to approximately \$5.6 million in FY 2009 and FY 2010 created crucial momentum to protect the Hawaiian monk seal from extinction. NOAA conducts annual research field camps in the Northwestern Hawaiian Islands, conducts outreach to fishermen and the general public concerning the seal's ecological and cultural importance, intervenes to rescue entangled or wounded seals, investigates seal deaths, and conducts vital research studies on disease and mortality mitigation.

However, funding levels were cut in half to about \$2.7 million for FY 2011 and FY 2012. Maintaining this level of reduced funding will continue to restrain the rollout of recovery actions, including the translocation of seals to areas where they can mature with greater likelihood of survival. Marine Conservation Institute strongly recommends the subcommittee reinstate funding to \$5.5 million in FY 2013.

Deep Sea Coral Research and Technology Program

The discovery of widespread deep sea coral ecosystems within US waters has challenged scientists to learn the extent of these important ecosystems and develop strategies on how to protect them. The Deep Sea Coral Research and Technology Program was established by NOAA under the *Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) of 2006*. NOAA is charged with mapping and monitoring locations where deep sea corals are likely to occur, developing technologies designed to reduce interactions between fishing gear and deep sea corals, and working with fishery management councils to protect coral habitats.

Marine Conservation Institute was pleased to see increased funding for the National Marine Fisheries Service's Deep Sea Coral Program to a level of \$2.5 million in FY 2010; we recommend that level be sustained in FY 2013. Previous funding has allowed for coral habitat mapping and analysis along the West Coast and in Southeastern US waters. Sustained funding will permit the continued mapping of coral areas off the West Coast and in Alaska, as well as the initiation of coral mapping in Mid-Atlantic waters. There is a great need for habitat assessments to inform fisheries management and development decisions. Reduced funding levels would hamper the compilation of this information.

Marine Debris Program

Marine trash has become one of the most widespread pollution problems affecting the world's oceans and waterways. An estimated 8.6 million pounds of debris was recovered worldwide in 2010. Recently, much attention has been given by the press to the debris generated by the Japan tsunami tragedy, and its impacts on ocean life and tourism in Hawaii and along the West Coast. Research has shown that debris has serious effects on the marine environment, wildlife, the economy, and human health and safety. It is estimated that as much as 100,000 tons of tsunami debris could reach the US over the next several years².

² McAvoy, Audrey. "Tsunami debris spreads halfway across Pacific." *Associated Press in Seattle Times*, February 28, 2012.
600 Pennsylvania Ave SE, Suite 210 • Washington DC 20003 USA
+1 202 546 5346 • www.Marine-Conservation.org

The Marine Debris Research, Prevention and Reduction Act was enacted in 2006 to identify, assess, reduce and prevent marine debris and its effects on the marine environment. The Marine Debris Program received a much needed increase in FY 2012 to a level of \$5 million to address the incoming tsunami debris. The President's FY 2013 budget recommends relocating the Marine Debris Program to the National Marine Fisheries Service, Office of Habitat Conservation. While understanding the need to improve efficiency, Marine Conservation Institute believes the program would be more effective if it remained under the National Ocean Service at the current funding level of \$5 million. Current placement allows the program to leverage resources available to the Office of Response and Restoration and work in better collaboration with fisherman since the program is currently housed under the National Ocean Service and not together with the regulators of the National Marine Fisheries Service.

National Marine Sanctuaries

Presently, the Office of National Marine Sanctuaries (ONMS) is responsible for managing the nation's 13 marine sanctuaries and Papahānaumokuākea Marine National Monument in the Northwestern Hawaiian Islands. Collectively, these 14 units cover more area than the National Park System.

Marine Conservation Institute recommends \$54.5 million in FY 2013. This amount includes \$49 million for the operations and research account, and \$5.5 million for the construction account. This would allow ONMS to better fulfill its responsibilities as a leader in ocean management and conservation. The funding would allow ONMS to maintain current management capabilities and complete current construction projects. Less funding would likely require the termination of contractors performing FTE duties, eliminate most vessel days at sea, and reduce operations at many visitor centers, thereby reducing local community benefits.

The President's FY 2013 budget recommends merging the Marine Protected Areas Center with the National Marine Sanctuaries Program. If this merger were to occur, I recommend funding for the ONMS be increased by \$4 million to ensure the MPA Center mission and projects continue.

Regional Ocean Partnerships

Regional Ocean Partnerships (ROP) facilitate the cooperation and integration of ocean and coastal resources management between local, state, and federal agencies. Coastal states Governors have already established several regional ocean partnerships to collaboratively address priority marine and coastal issues.

The President's FY 2013 budget requests \$4.0 million in FY 2013 to provide competitive grants to address issues within each US region. While this amount is \$0.5 million above enacted FY 2012 levels, it is \$3.5 million below the FY 2011 enacted level. Marine Conservation Institute recommends a minimum funding level of \$7.5 million to assist these important collaborative efforts.

Ocean Acidification

Ocean acidification is the process by which seawater becomes corrosive to calcium carbonate structures found in many of the shells and skeletons of marine organisms, such as shellfish, corals, and fish. It is a major marine impact associated with elevated carbon dioxide levels in the atmosphere. Ocean acidification has already begun to negatively impact commercial and recreational fishing, as well as coastal communities and economies.

The Federal Ocean Acidification Research and Monitoring (FOARAM) Act that passed in 2009 calls upon NOAA to coordinate research, establish a monitoring program, identify and develop adaptation strategies and techniques, encourage interdisciplinary and international understanding of the impacts associated with ocean acidification, improve public outreach, and provide critical research grants to increase understanding of the ecosystem impacts and socioeconomic effects of ocean acidification. Ocean acidification research received \$6.4 million in FY 2012. Marine Conservation Institute recommends a level of \$11.6 million in FY 2013 to more fully understand the impacts of ocean acidification on our coastal communities and economy.

Law Enforcement

NOAA's Office of Law Enforcement (OLE) is responsible for enforcing the laws that conserve and protect our nation's fisheries, protected species, and national marine sanctuaries and monuments. The office is also responsible for enforcing the United States' international commitments to fight illegal, unregulated and unreported (IUU) fishing, a practice that threatens to undermine global fish stocks, such as the Pacific tuna fishery in which the US participates. In addition, the Office of General Counsel Enforcement Section provides legal services and guidance to NOAA's OLE.

NOAA's jurisdiction spans 3.4 square million miles of coastal and marine environments, including the nation's 13 marine sanctuaries and 4 marine national monuments. The Pacific region alone poses a challenge for NOAA law enforcement as it spans 1.5 million square miles, nearly one half of the US Exclusive Economic Zone.

Marine Conservation Institute strongly supports the President's FY 2013 budget request of \$67.1 million for NOAA's Office of Law Enforcement. This will allow OLE to maintain current capabilities, while potentially adding additional resources in the Pacific region. Marine Conservation Institute also recommends an additional \$150,000 for another attorney in the Pacific Islands Office of General Council Enforcement Section, as there is currently only one attorney with no support staff.

Marine Operations and Maintenance

The Office of Marine and Aviation Operations (OMAO) operates NOAA's fleet of specialized ships to fulfill the agency's environmental and scientific missions. OMAO provides vessels for fisheries research, oceanographic and atmospheric research, and hydrographic surveys. Ships are also used for monitoring marine sanctuaries and monuments, and servicing the early warning tsunami and weather system equipment.

Not since 2007 has OMAO operated its ships at full capacity, largely due to budget constraints. In 2011, OMAO allocated base ship time for each of its 17 vessels at about 135 days-at-sea, which is about 55% of the fleet's operational capability (max = 220 days per vessel). NOAA's program offices have had to 'buy' additional days to fulfill some of their basic mandates. For instance, the National Marine Fisheries Service purchased an additional 542 days in FY 2011. Unfortunately, the line offices are experiencing budget constraints as well.

It makes no sense for NOAA's ships to be partially idle when one of NOAA's primary missions is to manage and restore our oceans. Marine Conservation Institute supports the President's Request of \$166 million for OMAO in FY 2013. It is a step toward more fully funding NOAA's fleet to fulfill its mandates.

In summary, Marine Conservation Institute respectfully requests that the subcommittee maintain or slightly augment funding for the conservation side of the NOAA budgets by the amounts discussed above.

Sincerely,

A handwritten signature in black ink, reading "WJ Chandler". The signature is written in a cursive, flowing style.

William Chandler

Mr. WOLF. Arturo Vargas, National Association of Latino Elected and Appointed Officials.

THURSDAY, MARCH 22, 2012.

NATIONAL ASSOCIATION OF LATINO ELECTED AND APPOINTED OFFICIALS

WITNESS

ARTURO VARGAS, EXECUTIVE DIRECTOR OF THE NATIONAL ASSOCIATION LATINO ELECTED AND APPOINTED OFFICIAL EDUCATIONAL FUND AND CO-CHAIR OF CIVIL AND HUMAN RIGHTS CENSUS TASK FORCE

Mr. VARGAS. Thank you, Mr. Chairman and Mr. Culberson. I'm Arturo Vargas, Executive Director of the National Association of Latino Elected and Appointed Officials Educational Fund. I also serve as co-chair of the Civil and Human Rights Census Task Force.

And thank you for the opportunity to appear before you today to express our support for the President's fiscal year 2013 request of \$274 million in discretionary funding for the United States Census Bureau. This budget request represents a three percent increase over fiscal year 2012 funding levels. The administration's request is necessary to maintain the reliability of the American Community Survey (ACS) data and begin planning for a cost effective 2020 Census and effectively meet the constitutional responsibilities of the Bureau.

The president requested a decrease of \$10.9 million for the ACS Program. The ACS is implementing several changes next year, including an internet response and a reduction in its scale of any followup operation. We believe the budget request sufficiently invests in the ACS program to ensure that the sample size is large enough to produce reliable and useful data for less populated geographic areas. This funding also will allow for improved telephone and field data collection, sufficient followup of unresponsive hostiles in remote areas, and a comprehensive review of three year and five year ACS estimates. Federal programs rely on the ACS for the implementation of the programs and priorities of the federal government.

As 2010 Census activities wind down with final evaluations and data products to be released soon, planning for the next fiscal year is on a cyclical upswing. The President's 2013 request for 2020 Census activities is nearly doubled, therefore, by 2012 funding level of \$66.7 million. It's an increase to \$131.4 million. We strongly support this important funding increase. As the GAO has consistently documented, reasonable investments and Census planning in the early part of the decade will help save millions in Census costs down the road.

The 2013 budget also supports other critical Bureau central focus of the 2020 Census planning to design programs and operations for the 2020 Census, to have residual benefits for other Census Bureau data collections. Support for the full amount of Census activity is crucial in light of past experiences with Census expenditure reductions in post remuneration years.

In fiscal year 2012, this Subcommittee recommended \$855.4 million to fund the Census Bureau's activities, which was 25 percent below the Bureau's fiscal year 2011 spending level. In contrast, the Senate appropriations bill provided approximately \$88 million more than the House version of the bill.

Fortunately, the final appropriation legislation offered just enough funding for the Bureau to proceed with its core activities. We've shown caution in relying on money from the working capital to pay for ongoing core activities.

As a result of fiscal year 2012 and fiscal year 2011 budget cuts and on its own accord, the Census Bureau has committed to reducing costs by taking bold steps to streamline operations. We understand the fiscal environment that Congress faces and is making difficult decisions to curtail current spending. We recognize that there are many worthy programs funded through the CJS appropriations bill, yet we believe that making cuts in the President's 2013 budget request for the Census Bureau would be counterproductive to an agency whose data are essential to running our government, informing our policies, and influencing economic productivity.

Supporting the full level of the President's 2013 budget request is a necessary investment in the effective governance of our nation and preservation of our democratic ideals. I thank the Chairman and Mr. Culberson, for the opportunity to appear before you today.

Mr. WOLF. Thank you very much for your testimony. We appreciate it very much.

Mr. CULBERSON. If I could briefly—

Mr. WOLF. Yes.

Mr. CULBERSON. Mr. Vargas, in the American Community Survey, it's, like, 120 questions, very detailed.

Mr. VARGAS. Yes, sir.

Mr. CULBERSON. A lengthy survey?

Mr. VARGAS. Yes, sir.

Mr. CULBERSON. I've been getting a lot of complaints about this, Mr. Chairman, a lot of folks, as a Tenth Amendment Jeffersonian leave me alone Texan, it's nobody's business how much money my constituents earn or, you know, how many homes or how many rooms are in the house or how you spend your money. It's very invasive. Have you—

Mr. VARGAS. I received that form about five years ago myself and it took me about 45 minutes to complete. But the fact is that every question on the ACS questionnaire is authorized or it's related to some federal program that's tied then to funding formulas. So the ACS data is actually used to distribute federal funds based on federally authorized programs.

Mr. CULBERSON. Sure. My point is, Mr. Chairman, I think people ought to be able to opt out of it. My complaints I've been receiving from constituents have been hounded mercilessly by Census takers threatening them with fines, criminal prosecution, for their refusal to answer. Quite reasonably. I mean, these are very intrusive questions I find. People ought to be able to opt out.

Mr. VARGAS. Right. Well, the issue that we have with making the ACS voluntary instead of mandatory is that then the bill would have to have a much broader sample size and it would be much more expensive for the Bureau to try to get the number of re-

sponses they need to have quality data if it's not mandatory and it's made voluntary.

Mr. CULBERSON. Sure. If you think about it, one of our greatest and most important rights as Americans is to be left alone. Thank you.

[The information follows:]

Arturo Vargas
 Executive Director of the NALEO Educational Fund and
 Co-Chair of the Leadership Conference on Civil and Human Rights Census Task Force
 U.S. House Appropriations Subcommittee on Commerce, Justice, and Science
 Outside Witness Testimony

**Public Witness Testimony by Arturo Vargas, Executive Director of
 The National Association of Latino Elected and Appointed Officials (NALEO)
 Educational Fund and Co-Chair of The Leadership Conference on Civil and
 Human Rights Census Task Force
 Before the United States House Appropriations Subcommittee on Commerce,
 Justice, Science, and Related Agencies
 March 22, 2012**

Chairman Wolf, Ranking Member Fattah, and members of the Subcommittee:

I am Arturo Vargas, the Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund. I also serve as Co-Chair of The Leadership Conference on Civil and Human Rights Census Task Force, which brings together leading civic and civil rights organizations to address pressing Census issues. Thank you for the invitation to appear before you today on behalf of the NALEO Educational Fund and The Leadership Conference Census Taskforce to support the President's Fiscal Year 2013 (FY 2013) request to Congress of \$970.4 million in discretionary funding for the U.S. Census Bureau.

The NALEO Educational Fund is a non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency includes the more than 6,000 Latino elected and appointed officials nationwide. Our Board members and constituency include Republicans, Democrats and Independents.

The NALEO Education Fund is one of the nation's leading organizations in the area of Census policy development and public education, and we are deeply committed to ensuring that the Census Bureau provides our nation with the most accurate count of its population. Since 2000, the NALEO Educational Fund has served on the Secretary of Commerce's 2010 Census Advisory Committee, or its predecessor, the Decennial Census Advisory Committee, and we actively participated in the Committee's discussions surrounding the planning for the 2010 enumeration. We also served on the Joint Advisory Advertising Review Panel (JAARP), which the Census Bureau created to review its advertising and communications efforts. In addition, the NALEO Educational Fund was actively involved in outreach to the Latino community for the decennial enumerations in 1990, 2000 and 2010. In October 2009, we launched the "ya es hora, ¡HAGASE CONTAR! (Make Yourself Count!)" campaign, which focused on promoting the importance of the Census, educating individuals about filling out their Census forms, and encouraging households to mail back their responses.

The Leadership Conference is ideally positioned to address many of the most pressing issues affecting the successful implementation of Census Bureau programs, surveys, and initiatives. The Leadership Conference's coordinating role among so many diverse organizations allows for the sharing of different perspectives, as well as the development of broader strategies that occur within the purview of any individual organization. All of its work draws on the expertise of the

Arturo Vargas

Executive Director of the NALEO Educational Fund and
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cross-section of national organizations, and examines the impact of civil rights policy on a broad range of constituencies.

The Leadership Conference considers a fair and accurate census and comprehensive ACS among the most significant civil rights issues facing the country today. Its wide-ranging efforts to promote equality of representation and economic opportunity are guided significantly by objective, inclusive data on America's diverse communities and populations. The Leadership Conference and member organizations such as the NALEO Educational Fund appreciate the importance of fact-based analyses for identifying disparate access and outcomes and devising effective solutions.

Mr. Chairman, as your committee prepares to consider the FY 2013 Commerce, Justice, and Science (CJS) Appropriations bill, we urge your support for the Administration's FY 2013 request to Congress for the Census Bureau. We believe this amount is the minimum necessary to preserve core statistical programs and ensure the continued reliability of data vital for public, private, and nonprofit sector decision-making now and in the future. In particular, reliable and accurate data about the Latino community are critical for the prosperity and well-being of the entire country. The results of the 2010 Census demonstrated the importance of the decennial enumeration for charting the dramatic growth of our nation's Latino community and the implications of that growth for the future of our economy and democracy. The Latino population in the United States was 50.5 million in 2010, and Latinos are the nation's second largest and fastest growing population group. Between 2000 and 2010, the Latino share of the population increased from 12.5% (one in eight Americans) to 16.3% (one in six Americans).

For FY 2013, the President proposed a total budget of \$970.4 million in discretionary funding for the Census Bureau, a 3 percent increase over the Fiscal Year 2012 funding level of \$942 million. In this testimony, I will address how the Administration's request is necessary to maintain the reliability of ACS data, begin planning for a cost-effective 2020 decennial census, and effectively meet the constitutional responsibilities of the Bureau. I would like to start by providing detailed information about the President's request regarding two critical programs: the American Community Survey (ACS), and the planning for the 2020 Census.

American Community Survey: For FY 2013, the President requested \$252.7 million, which represents a decrease of \$10.9 million for the ACS program. The ACS is implementing several changes in FY 2013, including an Internet response option and a reduction in the scale of the Failed Edit Follow-up Operation.

We believe the FY 2013 budget request sufficiently invests in the ACS program to ensure that the sample size is large enough to produce reliable and useful data for less populated geographic areas, such as towns and rural counties, and especially less populous subgroups. This funding also would allow for improved telephone and field data collection; sufficient follow-up of unresponsive households in remote areas; and a comprehensive review of three-year and five-year ACS estimates. These activities are imperative for ensuring the ACS can continue to

Arturo Vargas

Executive Director of the NALEO Educational Fund and
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U.S. House Appropriations Subcommittee on Commerce, Justice, and Science
Outside Witness Testimony

provide valid data about the socio-economic and demographic characteristics of the American people on an ongoing, annual basis.

Policymakers at all levels of government rely on ACS data to make important decisions that affect the lives of all Americans. These data help make such determinations as the number of teachers that are needed in classrooms, the best places to build roads and highways, and the best way to provide health and public safety services to our neighborhoods and communities.

According to a July 2010 report by Andrew Reamer of the Brookings Institute which analyzed FY 2008 federal government spending, 184 federal domestic assistance programs used ACS-related datasets to help guide the distribution of \$416 billion, 29 percent of all federal assistance. ACS-guided grants accounted for \$389.2 billion, 69 percent of all federal grant funding. Most of ACS-guided federal assistance goes to state governments through a few large grant programs which support highway infrastructure and aid low-income households. The ten largest ACS-guided assistance programs include several that help ensure that Latino families and their children receive quality health care, and housing, including Medicaid, Section 8 housing programs, and school education grants.

Other federal programs also rely on the ACS for implementation of the programs and priorities of the federal government. For example, the Department of Defense uses ACS data for the implementation of the procurement technical assistance it provides to businesses. The Department of Agriculture uses the data for water and waste disposal system planning in rural communities, where a significant number of Latino families live.

In addition, sound implementation of the protections of the Voting Rights Act of 1965 relies on ACS data, because those data are used to make determinations under section 203, which requires jurisdictions with a high percentage of people who are not yet English language proficient to offer language assistance to citizens during the electoral process.

High-quality, objective, and universal ACS data are also critical for our nation's private sector. Without these data, businesses and non-profit organizations will lose the ability to understand their customers and the communities they serve, and allocate their fiscal and human resources prudently. American companies rely on ACS data every day to make vital decisions about where to locate and expand; what goods and services to offer; the scope of employee training needed; and long term investment opportunities. Thus, FY 2013 funding to support reliable ACS data is critical for sound government and business profitability, and the pursuit of national economic prosperity.

2020 Census: As 2010 Census activities wind down with final evaluations and data products, planning for the next decennial enumeration is on its cyclical upswing. The President's FY 2013 request for 2020 Census activities is nearly double the FY2012 funding level, from \$66.7 million in FY 2012 to \$131.4 million in FY 2013. We strongly support this important funding increase. As the Government Accountability Office (GAO) has consistently documented, reasonable

Arturo Vargas

Executive Director of the NALEO Educational Fund and
Co-Chair of the Leadership Conference on Civil and Human Rights Census Task Force
U.S. House Appropriations Subcommittee on Commerce, Justice, and Science
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investments in census planning in the early part of the decade will help save millions, and perhaps billions, of dollars in census costs down the road.

We know from experience that insufficient funding for early decennial census planning leads to ballooning costs later in the decade. The Census Bureau must invest resources early in the decade to ensure cost-effective, successful implementation of census operations in the future. The pace of technological change and rapid evolution of communication modes make ongoing research and testing essential. Similarly, keeping up with changes in the nation's housing stock and roads could save hundreds of millions of dollars during census preparations in 2018-19, allowing the Bureau to confine final address checking to areas in frequent transition. As Director Groves has stated, the vision is, "An efficient and quality census that counts people once, only once, and in the right place." The FY 2013 budget also supports another critical Bureau central focus of the 2020 Census planning: To design programs and operations for the 2020 Census that have residual benefits for other Census Bureau data collections.

In this spirit, we are working with the Census Bureau to continue a robust Partnership Program in preparation for the 2020 Census. During the decennial enumeration, the Census Bureau used the Partnership Program to engage community-based organizations, religious leaders, educators, local businesses, and media outlets who had strong relationships with hard-to-count populations and were familiar with the barriers they face in Census participation. The Bureau utilized the assistance of Partnership Program stakeholders in educating residents about the importance of returning their Census questionnaires, and helping them surmount the barriers in completing and returning their forms. In short, the Partnership Program ensured that timely and locally relevant information from the Bureau reached community leaders, and that local enumeration efforts were able to use limited resources efficiently. We believe that the program, which proved to be an integral component of the Census 2010 outreach efforts, remains critical for reaching hard-to-count populations and ensuring their participation in future surveys and censuses. However, the severe limitations being placed on the Bureau's budget have proven to be an impediment to guaranteeing that this important initiative will continue. The President's FY 2013 budget request may allow for the resumption of this critical program.

Support for the full amount of Census funding in the President's 2013 budget is particularly crucial in light of past experiences with Census expenditure reductions in post-enumeration years. Unfortunately, Congress has often turned to the Census Bureau's budget as a source of expendable funds after each decennial census, overlooking the important work the agency does year in and year out and starving the critical research and testing phases of the next enumeration. The FY 2012 budget was no exception.

In FY 2012, this subcommittee recommended \$855.4 million to fund the Census Bureau's activities, which was 25 percent below the Bureau's FY 2011 spending level. In contrast, the Senate FY 2012 CJS Appropriations bill provided approximately \$88 million more than the House version of this bill. Fortunately, the final appropriation legislation offered just enough funding for the Bureau to proceed with its core activities. The so-called "mini-bus"

Arturo Vargas

Executive Director of the NALEO Educational Fund and
Co-Chair of the Leadership Conference on Civil and Human Rights Census Task Force
U.S. House Appropriations Subcommittee on Commerce, Justice, and Science
Outside Witness Testimony

appropriations bill — encompassing three of 12 federal appropriations accounts, including the CJS Appropriations bill — allocated \$942 million for the Census Bureau. However, we strongly caution against relying on money from the Working Capital Fund to pay for ongoing core activities.

As a result of FY 2012 and FY 2011 budget cuts – and on its own accord - the Census Bureau has committed to reducing costs by taking bold steps to streamline operations. In FY 2012, it realigned its national field office structure by permanently closing six regional offices. Last year, the Bureau eliminated a number of lower priority programs. In addition, the Bureau has demonstrated its determination to make modest investments in required activities to help save billions of dollars.

We understand the fiscal environment requires Congress to make difficult decisions and curtail current spending. We recognize that there are many worthy programs funded through the CJS Appropriations bill. Yet, we believe that making cuts in the President's FY 2013 budget request for the Census Bureau will be counterproductive to an agency whose data are essential to running our government, informing our policies, and influencing economic productivity. Supporting the full level of the President's FY 2013 budget request is a wise and necessary investment in the effective governance of our nation and preservation of our democratic ideals.

The NALEO Educational Fund and The Leadership Conference remain committed to being an active and thoughtful partner to this Subcommittee, Congress, the White House and the Census Bureau, in ensuring the success of the ACS, the 2020 Census and other initiatives under the Bureau's jurisdiction.

I thank the Chairman, the Ranking Member, and the Subcommittee once again for providing us with the opportunity to share our views today in support of the President's FY 2013 budget request for the Census Bureau.

Mr. WOLF. Steven Sciotto, Radionet Communications.

THURSDAY, MARCH 22, 2012.

RADIONET COMMUNICATION

WITNESS

STEVEN SCIOTTO, RADIONET COMMUNICATION

Mr. SCIOTTO. Mr. Chairman, members of Congress, distinguished guests, thank you for this opportunity to speak. I've amended my original text to include some salient points which I neglected and edited them for brevity so as to allow—

Mr. WOLF. Your printed statement will appear in the record.

Mr. SCIOTTO. Yes, sir. With regard to land mobile radio communications, I'm considered a subject matter expert, having worked in the field for 20 years. I hold degrees in electrical engineering and engineering technology. I've been blacklisted from this work since giving testimony before elected members of Congress in 2005 with regard to the failure of two-way radios in use by the fire department in New York on 9-11, failure we knew was probable based on tests conducted at Motorola where I was employed in February of 2001.

I've been unable to secure a job with any of the other vendors of this technology at a time when these skills remain very much in demand, including many positions with local, State, and Federal government. And the latter organization rates me at up to 105 percent capable, according to their notices of results for the many positions I've made application to. In 2005, I was under contract to the U.S. Navy as an assistant for a project with 25 compatible systems. And I have been called to testify by the members of the firefighters union in New York.

When I agreed, unknown to me, a collections agent from Motorola immediately filed an adverse account against my credit rating for an alleged accidental overpayment that I thought was a severance check in 2002. They made no attempt at communications for the three years and two months subsequent to my last day of work for Motorola. And though my continued work on the Navy program was predicated on the taking it easy on Motorola, I was subsequently denied all previously contracted work on the project and have remained mostly unemployed since.

When I filed a whistleblower complaint with the Navy because they'd acquired ten times the capacity articulated in their own procurement documents for at least two bases, the Navy region and the southeast, I was accused of being a threat to base security in Naval District Washington and debarred and a few days later, was visited in my home by an investigator for the Naval Criminal Investigative Service in an attempt that was clearly designed to intimidate me and my family. So to them, my internet service seems to have been filtered, denying me access to government information freely available to anyone else.

Two years ago, I was denied a position with the Navy when a vendor exercised reach back authority over Navy human resources hiring. The Navy manager responsible for this solicitation admitted

to engaging in a prohibited personnel practice under 5 U.S. Code. I have his e-mail. It contains his header information. I can prove it's genuine.

I filed a complaint with the Navy and the Defense Department Inspector General last year, which they have not answered. I've alleged that industry trust among land radio solutions providers and worse.

What is happening in my country? If former President Woodrow Wilson were here today, he would say the government which was designed for the people has got into the hands of the bosses and their employers with special interests. An invisible empire has been set up above the forms of democracy. That empire has a new weapon being leveled against the American people and every job seeker in this country. And in my emails to Representative Jackie Speier's staff, I'd given them the wreckage of my own career as an example of what the Department of Homeland Security is doing with the information they've apparently acquired from blogs and social networking sites surreptitiously.

I am not the enemy of the state I've been made out to be by certain individuals on LinkedIn and at the Department of Homeland Security, but I am an enemy to the relationships some high level managers have with Motorola, in which they once held a significant financial interest.

And this information was freely available on the internet before we passed net neutrality and it has since been sanitized. And this same individual I refer to had clear contact and regular contact with Navy program management.

Gentlemen, ladies, I'm not here to ask for favor. I'm here to offer my leadership, though my family has been destroyed by this. The freedom to discuss or think differently about our problems used to be a cornerstone of American liberty and a hallmark of American ingenuity. And if you truly believe in the American people's ability to innovate our way out of these difficult times, you must take control of this process before it takes control of each of us.

Again, I'm reminded of former President Wilson when he said, in conclusion, "There can be no equality or opportunity if men and women and children be not shielded in their lives from the consequences of great industrial and social processes which they cannot alter, control, or singly cope with."

Thank you.

Mr. WOLF. Thank you, sir, for your testimony. I appreciate you taking the time.

Mr. CULBERSON. Thank you.

[The information follows:]

STATEMENT OF STEVEN MICHAEL SCIOTTO
VICE PRESIDENT AND CHIEF OPERATING OFFICER
RADIONET COMMUNICATIONS
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND
RELATED AGENCIES
MARCH 22, 2012

Good day, Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee. Thank you for this opportunity to address issues I believe are of the utmost importance for the preservation of essential liberty in these United States.

It is not my intent to try my case before my government; and though I may have the grounds for a federal Qui Tam suit in one instance, and a cause of action against the Navy for another under 5 USC 2302, this does not serve my country, and might only leave you with the impression of one who is bitter and craven; and I am neither.

I'm here to offer my leadership; impartial, unaffected, and unimpeachable. I hold no position with any of the providers of land mobile radio technology; technology I have worked with for 20 years, beginning as a technician subsequent to Army training in electronics, then as a design engineer and most recently as a consultant.

And I can show that they will not hire me.

The high point of my career was in 2005, when I was assigned to a Navy Department office developing specifications for a Project 25 system of systems called ELMRS. While working here in Washington seven years ago, I gave testimony before Members of Congress with regard to the failure of radios that likely cost the lives of over 300 New York firefighters.

Unknown to me, my credit rating suffered an 'adverse account' almost immediately; since then, my career has been destroyed by what I allege is an industry trust; the details of which are contained in a 20 page complaint to the Naval and Defense Department Inspectors General.

Neither the Navy, nor the Defense Department has answered.

In preparation for this hearing, I've reviewed emails from 7 years ago, indicating a clear connection between a DHS manager, and the SPAWAR manager in charge of the Navy procurement.

And even though I posed the same argument to MARCORSYSCOM last year, that I did for the Navy – that because they have over 1,500 channels in the DoD primary band, **they don't need 'trunking' technology** – the program manager for the Marines likewise is relying on falsehood and misinformation provided them by the premier vendor of this technology, by way of their confederate at the DHS – an individual who held significant financial interest in that company in the form of many 'service shops'.

This information was freely available on the internet, before Congress failed to pass 'net neutrality'.

The Marine Corps wants another \$230 million for something they don't need. In response to RFI (M68909-11-J-1011) issued by the Marine Corps Tactical Systems Support Activity, I indicated that the cost of the system would be much less, that it would support all the managed services they desire, and that it would more robust and less prone to failure.

It is because I have proffered the more 'conservative' solution – in stark contrast to what the vendors community would like to sell – I have been labeled a 'troublemaker' and my internet communications monitored.

I have been repeatedly denied positions for which I've applied online with the federal government – for which government evaluators rate me at 105% capable at the GS-12/13 level.

I am prevented from seeing some content on USA jobs, that is plainly visible to me when I visit an internet café using someone else's IP address.

The Navy denied me a position I'd made timely application for, after deferring to a corporation – a member of the 'trust' – for whom I've never worked, but which tried to 'impeach' my candidacy with the implied offer of a job.

For these reasons and more, I seek referral and protection under Federal Witness Protection Program.

My request to speak was initiated by what I read of Congresswoman Jackie Speier's allegations with regard to the Department of Homeland Security's 'monitoring' of certain bloggers and other online activity. In preparation for this hearing, I contacted Rep. Speier's staff to advise that she had only scratched the surface of what I allege is an industry 'trust' that includes **Confederates in the highest levels of management** in the Department of Homeland Security and possibly other agencies.

It is my unfortunate duty to inform you that I – and quite possibly many other Americans - have been victimized by this practice and these people.

I also contacted another individual who has been much more strident in his criticism of Motorola. Daryl Jones has posted much news and Congressional testimony regarding land mobile radio and other wireless procurements. He had this to say:

“I monitor the activity on my Blog in real-time and keep detailed statistical data. A significant percentage of the readers are coming from federal government IP address space. A significant percentage also comes from Motorola and its PR firms. There is no question that the feds read the Blog. I wish I knew if it was for good or evil.”

If this government is to retain its legitimacy, this practice must stop.

Kind regards,

Steven Sciotto

Mr. WOLF. Owen Jackson, vice president, National Community Reinvestment Coalition.

THURSDAY, MARCH 22, 2012.

NATIONAL COMMUNITY REINVESTMENT COALITION

WITNESS

OWEN JACKSON, VICE PRESIDENT, BUSINESS DEVELOPMENT FOR THE NATIONAL COMMUNITY REINVESTMENT COALITION

Mr. JACKSON. Thank you. Good afternoon, Chairman Wolf, Ranking Member Fattah, and the other members of this Subcommittee. My name Owen Jackson and I'm the vice president of Business Development for the National Community Reinvestment Coalition.

On behalf of NCRC, it is an honor to testify today before the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies. With limited Federal resources and a struggling economy, activities that help economic growth should be the highest priority. That is why I encourage you to return funding for the Department of Commerce's Minority Business Development Agency back to \$32 million in fiscal year 2013.

We should support programs that help American businesses grow and create jobs. And though the unemployment rate has improved, it remains much higher than five years ago. The Dallas Federal Reserve Bank estimates that unemployment may not return to pre-crisis levels until 2019. MBDA has a strong record of helping businesses create jobs. In the last three years, MBDA business centers have helped small businesses to obtain \$10 billion in contracts and create 15,000 new jobs. That means American taxpayers received a 125 percent return on investment for every dollar of funding.

Small businesses are the backbone of America's economy and the key to our recovery. In fact, small and minority businesses account for two thirds of all new jobs added to the economy and minority owned businesses added \$1 trillion to the nation's economic output just last year.

NCRC plays of powerful role in aiding the growth of small minority- and woman-owned businesses. We are the only nonprofit organization that operates three Department of Commerce business centers. They are located in Washington, D.C., New York, New York, and Houston, Texas. We also manage a woman's business center and a small business team incentive sponsored by the U.S. Small Business Administration. And we also have a small business loan fund.

Access to resources can greatly improve a company's performance. NCRC's MBDA centers alone have helped clients access more than \$2.3 billion in financing, secure more than \$300 million in contracts, and, most importantly, create nearly 1,500 new jobs. Grants provided by MBDA made this possible.

Here's a direct example of how MBDA's business centers add value. In 2007, a Virginia IT firm contacted our D.C. center for assistance. The firm had 600 employees and revenues of \$34 million. In just three years, the firm's revenues almost doubled to \$60 million. The company also added 300 new jobs. Those results were due to the support provided by NCRC's business centers.

In conclusion, MBDA's budget has been cut by more than half, more than half since President Richard Nixon created it in 1969. The current proposal subtracts another \$1.5 million. I encourage you to fund MBDA at \$32 million in 2013. When a program works well, we should support it. This program works well by supporting the nation's businesses and a strong economy for all Americans.

Thank you, again, for the opportunity to testify today. I look forward to any questions you may have for me. Thank you.

Mr. WOLF. Thank you for your testimony.

Mr. CULBERSON. Very brief. Mr. Jackson, what is the \$32 million used work, the money that flows through your coalition? Is it used for grants or is it used, as your other gentleman said, to hire consultants and experts that then work with the business? How is the money used?

Mr. JACKSON. MBDA's budget, a portion of the budget, is subtracted out to go as contracts to organizations like my organization to provide consulting services for MBEs around the country.

Mr. CULBERSON. What type of consulting services do you provide to MBE's?

Mr. JACKSON. Access to capital, access to markets helping them to grow their business.

Mr. CULBERSON. Such as, you mean, introducing them to what? I'm not sure I understand what precisely you do.

Mr. JACKSON. Well, we have, within in our offices, we hire full-time staff who have experience in doing business development to work with our firms to help them to grow their businesses to capacity, so that they can then turn around and increase their workforce.

Mr. CULBERSON. What else is the \$32 million used for?

Mr. JACKSON. The \$32 million is for the agency, the agency's budget. The 2008 budget was \$32 million.

Mr. CULBERSON. Mm-hmm.

Mr. JACKSON. Right now the agency's budget is \$28.7 million. So were testifying asking that we, if you put the budget back to the 2008 number of \$32 million.

Mr. CULBERSON. So you say you use it to hire yourself and other staff.

Mr. JACKSON. The staff that we hire are the folks that——

Mr. CULBERSON. It comes from that \$32——

Mr. JACKSON. Yes.

Mr. CULBERSON. It's used to hire staff.

Mr. JACKSON. Right.

Mr. CULBERSON. Okay.

Mr. JACKSON. That staff is used to——

Mr. CULBERSON. Thank you very much.

Mr. WOLF. I thank you.

[The information follows:]



**Testimony of Owen Jackson
Vice President of Business Development**

**National Community Reinvestment Coalition
727 15th Street, NW, Suite 900
Washington, DC 20005**

**March 22, 2012
Submitted to the
United States House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies**

Good morning, Chairman Wolf, Ranking Member Fattah, and other distinguished members of the subcommittee. My name is Owen Jackson and I am the Vice President of Business Development for the National Community Reinvestment Coalition. On behalf of NCRC, it is an honor to testify today before the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies. In a time of limited federal resources and a struggling economy, activities that directly contribute to economic growth should be the highest priority. For this reason, I encourage you to restore funding for the Department of Commerce's Minority Business Development Agency to \$32 Million in Fiscal Year 2013.ⁱ Now is not the time to take funds away from the programs that help American businesses grow and create jobs.

The MBDA program has an impressive track record in promoting small business growth and job creation. In the past three years, MBDA business centers have helped small businesses obtain \$10 billion in contracts and create 15,000 net new jobs.ⁱⁱ That outcome means that American taxpayers have received a 125 percent return on investment for every single dollar of funding.ⁱⁱⁱ

A core aspect of our mission at NCRC is to help Americans become and succeed as entrepreneurs. Small businesses are the backbone of America's economy and the key to our recovery. In fact, small and minority businesses account for two-thirds of all net, new jobs added to the nation's economy.^{iv} And, just last year, minority-owned businesses contributed \$1 trillion to the nation's economic output.^v NCRC plays a powerful role in promoting the growth of small, minority, and women-owned businesses.

NCRC is the only non-profit organization in the country that operates three Department of Commerce Business Centers in Washington, D.C., New York, NY, and Houston, TX. We also manage a Women's Business Center and Small Business Teaming Center sponsored by the U.S. Small Business Administration and a small business loan fund. We know, first-hand, the impact that access to a business center's resources can have on improving a company's performance. Since the opening of our first MBDA Business Center in 2004, we have helped clients access more than \$2.3 billion in financing, secure more than \$300 million in contracts, and—most importantly—create nearly 1,500 net, new jobs. All of this was possible because of the grants provided by the Department of Commerce's Minority Business Development Agency.

Since its inception, the agency's budget has been cut by more than half. Though these activities are needed now more than ever, the current budget proposal would continue that trend by reducing the agency's funds by another \$1.5 million. At first glance, that cut may seem minimal. Yet, its consequences are anything but. Less funding for MBDA means less funding for MBDA's business centers. And less funding for business centers means fewer resources for small businesses.

Though the nation's unemployment rate has improved since the worst points of the recession, it remains much higher than it was ten years ago. Indeed, just two days ago, Dallas Federal Reserve Bank President Richard Fisher stated that our unemployment rate may not return to pre-crisis levels until 2019. The take away from Fisher's statement should be obvious: *a key part of our economic recovery lies in our willingness to invest in America's businesses in order to spur job creation.*

As the Vice President of Business Development for NCRC, I can personally testify to the value added by MBDA's business centers. For example, in 2010, our DC Business Development Center was engaged by an IT firm to help them grow their business and expand contracting opportunities. At the time, the firm had 600 employees and an annual revenue base of \$34 million. In three years, with the direct support of NCRC's MBDA center, the firm's revenues almost doubled to \$60 million. The firm also expanded its workforce to 900 employees, an increase of 300 new jobs. That gain in profitability and employment growth was directly due to the counseling and contracting opportunities provided by NCRC's business center.

As an expert in business growth and expansion, I know that when something works—and works well—you do everything in your power to encourage it. That's because success depends upon solidifying and promoting a company's core strengths and capabilities. This axiom also applies to the federal budget. It is essential to invest in those programs that provide the greatest returns to American taxpayers. MBDA programs have proven their productivity and value. Few programs have such an impressive and well-documented track record.

In conclusion, I encourage you to support full funding for the MBDA at \$32 million in 2013. Your support will not only help the clients who directly benefit from its programs and services, but will ensure that these businesses continue to play an important role in a strong and healthy economic recovery for all Americans.

Thank you again for the opportunity to testify today. I look forward to answering any questions you might have.

ⁱ A \$32 Million appropriation in FY 2013 would restore the Minority Business Development Agency to its 2008 funding level.

ⁱⁱ *Id.*

ⁱⁱⁱ *Id.*

^{iv} Roger A. Campos, "Look to small, minority businesses for job creation." Federal Times. <<http://www.federaltimes.com/article/20110813/ADOP06/108130303/>>

^v "New Job Creation and Economic Impact Dominate Big Numbers for Minority Business Development Agency." U.S. Department of Commerce MBDA. <<http://www.mbda.gov/node/1195>>

Mr. WOLF. Ron Allen, U.S. Section of the Pacific Salmon Commission.

THURSDAY, MARCH 22, 2012.

U.S. SECTION OF THE PACIFIC SALMON COMMISSION

WITNESS

W. RON ALLEN, TRIBAL CHAIRMAN, CEO, JAMESTOWN, S'KLALLAM TRIBE

Mr. ALLEN. Good afternoon, Mr. Chairman, Committee members. I appreciate the opportunity to testify. You have my testimony that I submitted to the Committee and it pretty well outlines what our request is of the Committee and the Congress with regard to the U.S.-Canada Pacific Salmon Commission.

I am one of the commissioners. I am the chairman of an Indian tribe in the northwest, one of the tribes that Billy Frank, Jr., referenced earlier this afternoon. And I represent the 20 tribes in the northwest and the four tribes up the Columbia River that fish, have treaty rights with the United States Government and are part of this international treaty.

This treaty was consummated back in 1985. It has been renegotiated numerous times in '89, '99, and recently in 2008. It is a commission that, a bilateral commission, that oversees the assessment and the management of Pacific salmon from the Gulf of Alaska to the lower southern coast of Oregon and up the Columbia River all the way to Idaho and then back into Canada, as well.

It's probably about a \$3 billion industry that affects a whole lot of coastal communities and many communities up the Columbia River. Our request is, obviously, very simple. We're asking for more money, like almost everybody else. We have a very extensive role. We meaning the tribes and the States, Alaska, Washington, Oregon, and Idaho.

The resources that we are asking for are divvied up here primarily with regard to the States, Alaska, Washington, and Idaho, as well as Oregon. The functions that we carry out to implement this treaty, to manage this resource from Alaska to the upper reaches of the Columbia River, is very, very sophisticated, very complicated and it varies species, from the chinook to the coho to the chum to the sockeye that go up the river.

Our different fisheries are very sophisticated and we have very sophisticated models and programs that basically provide oversight on what is the stock assessment, how well is it doing, what are we doing in terms of making sure that we're managing it and making recommendations on what is the allocation of the fishery that should be harvested, whether it's in Alaska, whether it's in British Columbia, or in the southern 48 states. And we have identified numerous functions.

Now, we have a new problem that we are wrestling with right now. In the past over the many years, we have asked for increases. A number of years back, we did get a pretty good increase that helped us. It didn't get us to where we wanted to be, but it got us in a better position. Since then, the tight budgets have tapered us back more and more. So who has covered a difference in terms of

the cost to carry out those federal and international functions is the States, and, subsequently, the tribes.

Now, the tribes receive our money from the Bureau of Indian Affairs and Department of Interior. The States receive, and NOAA, receives their money through this Committee and its jurisdiction. It's a very important function. It's a very important responsibility internationally.

You see two different categories. The main category that goes to the States and the category that we refer to as a chinook salmon agreement. This is a very unique model that we implement and require very specific kinds of expertise in order to make sure that that model is updated on a regular basis to make sure everybody is getting their fair share of chinook. It is a precious resource for all of our fisheries.

I ask that you seriously consider our recommendation and our request. With the tightening budgets in the States, this international obligation is falling back onto the United States more. And so, hopefully, you'll understand our request. And we are ready to answer any questions we can and be of any assistance for clarification. Thank you, Mr. Chairman.

Mr. WOLF. Thank you very much. Thank you for your testimony.

Mr. FATTAH. I didn't hear your testimony. I'm sorry.

Mr. JACKSON. It was very good, too.

Mr. FATTAH. I promise you I will read it.

Mr. JACKSON. Thank you.

Mr. WOLF. Thank you, sir.

[The information follows:]

U.S. Commissioners
David Bedford
Phil Anderson
W. Ron Allen
Larry Rutter

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of the
PACIFIC SALMON COMMISSION

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TESTIMONY OF W. RON ALLEN, CHAIRMAN/CEO
JAMESTOWN S'KLALLAM TRIBE
U.S. COMMISSIONER, PACIFIC SALMON COMMISSION
U.S. SECTION OF THE PACIFIC SALMON COMMISSION

BEFORE THE SUBCOMMITTEE ON COMMERCE,
JUSTICE, SCIENCE AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS ON THE FY 2013
BUDGET FOR THE NATIONAL MARINE FISHERIES
SERVICE IN THE DEPARTMENT OF COMMERCE

March 22, 2012

Mr. Chairman, my name is W. Ron Allen, and I serve as a Commissioner on the United States Section of Pacific Salmon Commission (PSC). The PSC was established in 1985 to oversee implementation of the Pacific Salmon Treaty (Treaty) between the U.S. and Canada. In May of 2008, the PSC concluded bilateral negotiations that developed revised ten year salmon fishing regimes to replace regimes that were expiring at the end of 2008. The provisions of the new fisheries agreements were approved by the U.S. and Canadian federal governments and are being implemented for the 2009-2018 period. The U.S. Section is requesting that Congress includes funding in the FY 2013 National Marine Fisheries Service Budget for (1) the Pacific Salmon Treaty at \$9,708,000; and, (2) the Chinook Salmon Agreement at \$1,844,000.

The implementation of the Treaty is funded through the Departments of Commerce, Interior and State. The Department of Commerce funds implementation of the Treaty as line items under Salmon Management Activities. The funding for Salmon Management Activities in the President's FY 2013 budget is similar to previous years. However, the line item breakout within Salmon Management Activities was not made available to us.

The U.S. Section recommends that Congress:

- Fund the Pacific Salmon Treaty Line Item of the National Marine Fisheries Service at \$9,708,000 for FY 2013 an increase in funding compared to \$5,600,000 in recent-year budgets. This funding provides support for the states of Alaska, Washington, Oregon, and Idaho and the National Marine Fisheries Service to conduct the salmon stock assessment and fishery management programs required to implement the Treaty's conservation and

allocation provisions for Coho, Sockeye, Chinook, Chum, and Pink salmon fisheries. Included within the total amount of \$9,708,000 is \$400,000 to continue a joint Trans-boundary River Salmon Enhancement Program as required by the Treaty.

- Fund the Pacific Salmon Treaty Chinook Salmon Agreement line item of the National Marine Fisheries Service for FY 2013 at \$1,844,000, level funding from what has been provided by Congress in recent years. This funding is necessary to acquire the technical information to fully implement the abundance-based Chinook salmon management program provided for under the Treaty.

The funding identified above is for ongoing annual programs and does not include new funding specifically needed for full application of the revised agreement for 2009-2018 that was negotiated by the PSC and accepted by the Governments of the U.S. and Canada on December 23, 2008. Funding for implementing the revised treaty arrangements was part of the National Marine Fisheries Service FY 2012 budget, and the U.S. PSC Commissioners recommend that it be continued in the FY 2013 federal budget.

The base Treaty implementation projects included in the Pacific Salmon Treaty Line Item consist of a wide range of stock assessment, fishery monitoring, and technical support activities for all five species of Pacific salmon in the fisheries and rivers from Southeast Alaska to Washington, Oregon, and Idaho. The states of Alaska, Washington, Oregon, Idaho, the federal National Marine Fisheries Service (NMFS), and the 24 treaty tribes of Washington and Oregon are charged with conducting the salmon fishery stock assessment and harvest management actions required under the Treaty. Federal funding for these activities is provided through NMFS on an annual basis.

The agency projects carried out under PSC funding are directed toward acquiring, analyzing, and sharing the information required to implement the salmon conservation and sharing principles of the Treaty. A wide range of programs for salmon stock size assessments, escapement enumeration, stock distribution, and catch and effort information collection from fisheries are represented. The information from many of these programs is used directly to establish fishing seasons, harvest levels, and accountability to the provisions of Treaty fishing regimes.

The base Treaty implementation funding of approximately \$5.6 million budget has essentially remained at this low level since the early 1990's. Since that time, the growing complexity of conservation-based, and Endangered Species Act compliant fishing regimes has required vastly more stock assessment, fishery compliance

monitoring, and technical support activities. In order to continue to fulfill the federal commitments created by PST, the states have had to augment federal funding with other federal and state support. For example, additional sources of funding have included federal Anadromous Fish Grants, federal Pacific Coast Salmon Recovery Funds (PCSRF), federal Dingell-Johnson dollars, and state general funds. However, alternative sources for funding have been reduced or eliminated with the Anadromous Fish Grants eliminated in the federal FY 2010 budget, use of PCSRF monies constrained in FY 2010 by new appropriations language and further constrained in 2012 by the NMFS, and state dollars and Dingell-Johnson grants cut significantly during the current economic downturn.

The economic impact of commercial and sport fisheries has been measured by the U.S. Fish and Wildlife Service at approximately \$2-3 billion per year to the states involved in the PST. To continue to implement the federal PST conservation-based fishing regimes that contribute to the sustainability of salmon stocks and the large economic return to the states, the U.S. PSC members recommend an increase in base treaty implementation funding from the current \$5.6 million to \$9,708,000.

Effective, science-based implementation of negotiated salmon fishing arrangements and abundance-based management approaches for Chinook, southern Coho, Northern Boundary and Trans-boundary River salmon fisheries includes efforts such as increased annual tagging and tag recovery operations and application of other emerging stock identification techniques. The U.S. PSC members recommend that \$9,708,000 be provided for the NMFS Pacific Salmon Treaty Line Item in FY 2013 for the states for Treaty technical support activities. The \$400,000 that has been provided in the separate International Fisheries Commissions line item since 1988 for a joint Trans-boundary River enhancement program with Canada is now included in this amount. The recommended amount for the combined projects represents an approximate increase of \$4,108,000 over the amount appropriated for FY 2012.

Beginning in FY 1998, Congress provided \$1,844,000 to allow for the collection of necessary stock assessment and fishery management information to implement a new abundance-based management approach for Chinook salmon coast-wide in the Treaty area. Through a rigorous competitive technical review process for project approval, the states of Alaska, Washington, Oregon, and Idaho, and the twenty-four treaty tribes use the funding to support research and data collection needed for abundance-based Chinook management. The U.S. Section recommends level funding of \$1,844,000 for FY 2013 to support the abundance-based Chinook salmon management program.

The U.S. and Canada agreed in 1988 to a joint salmon enhancement program on the Trans-boundary Rivers, which are rivers rising in Canada and flowing to the sea through Southeast Alaska. Since 1989, Congress has provided \$400,000 annually for this effort through the National Marine Fisheries Service International Fisheries

Commission line item under the Conservation and Management Operations activity. Canada provides an equal amount of funding and support for this bilateral program. The funding for the U.S. share is included in the \$9,708,000 the U.S. Section is recommending for the FY 2013 NMFS Pacific Salmon Treaty line item.

This concludes the Statement of the U.S. Section of the PSC submitted for consideration by your committee. We wish to thank the committee for the support that it has given us in the past. I will be pleased to answer any questions of the Committee Members.

SUMMARY OF PROGRAM FUNDING FOR THE U.S.-CANADA PACIFIC SALMON TREATY

DEPARTMENT OF COMMERCE: Pacific Salmon Treaty Line Item

<u>FY 2010 Appropriation</u>	<u>FY 2011 Appropriation</u>	<u>FY 13 U.S. Section Recommendation</u>
\$5,610,000	\$5,600,000	\$9,708,000

The recommended FY 2013 amount includes \$400,000 provided for the Joint Trans-boundary River Enhancement Program currently funded under the NMFS International Fisheries Commission account.

Pacific Salmon Treaty - Chinook Salmon Agreement Line Item

<u>FY 2010 Appropriation</u>	<u>FY 2011 Appropriation</u>	<u>FY 2013 U.S. Section Recommendation</u>
\$1,844,000	\$1,844,000	\$1,844,000

Thank you for this opportunity to share the FY 2013 budget requests of the Pacific Salmon Commission.

Mr. WOLF. Next on the panel, Robert Gagosian, president, Consortium for Ocean Leadership.

THURSDAY, MARCH 22, 2012.

CONSORTIUM FOR OCEAN LEADERSHIP

WITNESS

ROBERT GAGOSIAN, PRESIDENT, CONSORTIUM FOR OCEAN LEADERSHIP

Mr. GAGOSIAN. Mr. Chairman, Mr. Culberson, Mr. Fattah, and Members of Congress, and especially Committee staff. On behalf of the Consortium for Ocean Leadership, which represents more than 100 of the nation's leading ocean research and education institutions of aquarium industries, I want to express my appreciation this afternoon for the opportunity to testify before this Committee.

We, as you know, are an ocean nation. We're dependent upon the sea for our national defense, food, and economic security. We're also a science dependant nation whose economy has grown dramatically since World War II, thanks to the academic university based research enterprise, which continually challenges the best minds through open competition and the peer review process.

This process is the envy of the world. Our federal university partnership has driven the economy through science and technology innovation and it has also cultivated an ocean, science and engineering community capable of addressing our nation's most pressing problems, ranging from winning the Cold War anti-submarine battle to most recently identifying the Deepwater Horizon spills of surface oil and gas bloom in the Gulf of Mexico.

Yet there is a tremendous amount that we don't know. For instance, we've greatly improved hurricane track forecasts, but we still are lacking accurate hurricane strength predictions and the answer will be in the ocean where most of the heat resides.

Despite huge investments that Congress has made in recent years, NOAA has struggled to manage the requirements, cost, schedule, and performance of its Earth-observing satellites. We are expecting significant remote data gaps in a central area such as sea surface wind speed and direction, which is used for hurricane forecasting, and ocean topography used for sea level rise calculations.

Because the budget mural overruns have effectively been paid for by cuts in NOAA's extramural research ocean and coastal programs, we're not only losing critical ocean data from those programs, but also the support for science to utilize the data generated from space from these satellites that are being funded in the first place.

We desperately need a more robust federal system to define Earth observing requirements that take into account realistic budgets for design and construction, as well as a commitment to operate and maintain those observations into the future. If it is not possible for NOAA, NASA, DOD, and Interior to better collaborate, then you may want to consider consolidating the design, procurement, and operation of these satellites within well defined and achievable budgets at NASA.

We also need to be developing the next generation of satellite constellations comprised of smaller, more focused platforms as the current delivery systems are very costly and, thus, too risky. Unfortunately, due to significant economic issues, our nation has fallen off the path to double federal support for basic research, as you are well aware.

Meanwhile, our international competitors, such as China, India, and Brazil, are investing more and closing the innovation gap. While I understand and appreciate the economic crisis our nation is facing, I fear that the long-term consequences of abandoning the goals of the America Competes Act will far outweigh any short term small benefits and reducing the deficit through cuts and science support.

Let me close by thanking the Subcommittee for its continued support of the National Science Foundation in this difficult budget environment. Yet despite the support, the foundation's new cross-directorate initiatives and change in policy for funding operations and maintenance of facilities mean that there will be less core ocean science and infrastructure funded in the next few years.

Mr. Chairman, I hope that you will continue the Subcommittee's longstanding bipartisan support for science and education funding in the fiscal year '13 budget and into the future. I can assure you that my colleagues in the science community really appreciate your and your Committee's efforts. Thank you.

Mr. WOLF. Thank you very much for your brief testimony. Mr. Fattah.

Mr. FATTAH. And you also have my thanks for your testimony. Thank you.

[The information follows:]

Testimony of
Robert B. Gagosian
President and CEO of the Consortium for Ocean Leadership
Before the House Appropriations Subcommittee on Commerce, Justice and Science
March 22, 2012

On behalf of the 103 member institutions of the Consortium for Ocean Leadership, I appreciate the opportunity to discuss the FY13 federal science budget for the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA) and the National Aeronautics and Space Administration (NASA). Several recent tragedies including the Tohoku Tsunami, the BP Gulf oil spill and Hurricane Katrina have all come from the ocean and highlight the need for better technologies and research to observe, understand, predict and ultimately mitigate economic damage and human suffering. We respectfully request \$6.6 billion for the NSF Research and Related Accounts as authorized in the America's COMPETES Act; \$2 billion for Earth Sciences at NASA as authorized by the NASA Reauthorization Act of 2010; and FY2010 levels for extramural research and education programs at NOAA.

Our nation has led the world in research and technology since World War II, in part because our nation adopted an academic, university-based research enterprise partnering with the federal government as opposed to a European-style centralized system. A remarkably high return on investment for federally supported research is due to the fact that the best science and its application to the nation's problems rise to the top in our system, which continuously challenges the best minds through open competition and peer-review protocols. Furthermore, the political independence of academic researchers has also engendered trust from the public. For instance, during the *Deepwater Horizon* disaster, the public had far more belief in the estimates and projections from academic scientists than they did from either industry or federal agencies. Thanks to wise leadership of this committee providing strong bipartisan federal research investments, the academic community was prepared to answer the call through the NSF RAPID grants program.

While the ocean may seclude and separate nations, it also links us together. Nature ignores political boundaries as the ocean absorbs and transfers immense amounts of carbon, heat, food and water across the globe and it is the dominant pathway for global trade. The ocean offers unique opportunities to collaborate with the international science community to advance understanding of earth systems while strengthening diplomatic ties. NSF supports many such programs, as the ocean science community has bred a culture of international collaboration through joint expeditions, shared vessels and equipment that provide access to the sea.

However, better collaboration internationally as well as within the federal system is much needed in satellite design and procurement. Unfortunately, NOAA has struggled to manage the requirements, cost, schedule and performance of its earth observing satellites and the budget overruns have effectively been paid for by cuts to NOAA's extramural research and ocean and coastal programs. The present estimate is that JPSS will cost nearly \$13B to build, launch and operate through 2028. Even more disturbing is the fact that the NESDIS budget more than

double over the past five years (growing from \$950 million to above \$2 billion), the ocean sciences are expected to have significant remote sensing data gaps in essential areas, such as sea surface wind speed and direction (important for storm and hurricane forecasting) and ocean topography (ocean currents and sea-level rise). In addition, we continue to be concerned about the quality of ocean color data (a measure of productivity and an indicator of health and changes in the ocean). The current system is failing and we are losing critical information as well as support for science to utilize the data generated from space.

We desperately need a more robust federal system to define Earth observing requirements that take into account realistic budgets for design and construction as well as a commitment to operate and maintain these observations into the future. We should not be adding or subtracting sensors at the 11th hour due to budget considerations. We hope you can find a mechanism to require all of our earth observing agencies (NOAA, NASA, DOD, Interior) to better collaborate and develop a more transparent and accountable system to manage and maintain our Earth observing capabilities. Another option is to consolidate the budget, design, procurement and operation of these satellites within NASA, while the other mission agencies manage the data, although there would need to be robust processes to ensure that science-based satellite missions do not suffer at the expense of growing appetites for operational satellite missions. Moreover, NASA would need to be given the authority to manage the requirements within well-defined and achievable budget and schedule envelopes.

We also need research and development for the next generation of satellite constellations comprised of smaller, more focused platforms as the current delivery systems are too costly and thus, too risky. Moreover, we need to ensure that the nation has a reliable and cost-effective suite of launch vehicles that can accommodate a wide spectrum of satellite sizes. We also need to be developing and deploying the next generation of in situ ocean sensors so that we can be better prepared to respond to the next oil spill or better manage fisheries through acoustic or optical stock assessments, which will ultimately be less invasive and less expensive. We need to have eyes out there 24/7 to observe the changes that are occurring in our oceans and affecting our health, security and resources.

Despite the funding increases Congress has provided to NOAA to address its satellite program shortfalls, the agency's commitment to their personnel has resulted in consistent cuts to academic extramural programs over the past several years. This is eroding not only stakeholder support for the agency, but also NOAA's access to the best minds in the nation. For an entity that considers itself a science agency, NOAA research relies too heavily on intramural programs and thus does not take advantage of the flexibility and cost effective opportunities to leverage the academic research community. If NOAA is to be a truly effective science agency, it needs to address its redundant and underproductive facilities and programs and fundamentally rethink its relationship with the academic sector and reevaluate how it conducts and supports research. A more balanced approach will require the agency to pursue actions to reduce its personnel overhead via Reduction in Force (RIF), Voluntary Early Retirement Authority (VERA), and/or Voluntary Separation Incentive Payments (VSIP). This would help NOAA accomplish its science mission more efficiently and with high quality input while also achieving Congressional efforts to reduce the size of the federal government.

Not only is the climate changing rapidly, but the field of science is maturing and evolving rapidly as well. Thus, the skills, expertise and training required of today's workforce may be very different in the next few years. We strongly support education and training programs at NSF, NOAA and NASA. Oceanography is a great discipline to attract young people to the sciences, and given changing ocean temperatures, chemistry and sea-level, we need a more ocean and science literate workforce now. The type of science training sponsored by these mission agencies, which is highly research oriented, is not supported by the Department of Education and thus needs to remain and be a high priority within the agencies.

The world's economy is changing rapidly and we have new challenges and challengers from across the ocean. Nations such as India and China are making tremendous investments in science infrastructure and intellectual capital. Many of the best young minds in the world who have come to the United States to study and train in our universities are now being lured back to their home nations where they become our competitors in the world marketplace. These new challenges led to the bipartisan effort during the Bush Administration's second term to double the nation's investment in basic research over ten years. Unfortunately, our nation has fallen off that path. Meanwhile, our competitors are investing more and closing the innovation gap. While I understand and appreciate the economic crisis our nation is facing; I fear that the long-term consequences of abandoning the goals of the America COMPETES Act will far outweigh any short-term benefits in reducing the deficit through science savings. When one has to reduce health insurance because of cost, it is not wise to reduce the cardiac part of the program.

Let me close by thanking the Subcommittee for its continued support for the National Science Foundation in this difficult budget environment. Yet, despite this support, the Foundation's new cross-directorate initiatives and change in policy for funding operations and maintenance of facilities means that there will be less core ocean science and infrastructure funded in the next few years. We hope that the Subcommittee will support the highest budget possible for NSF to ensure that our nation continues to attract, support and retain the best minds in the world.

Mr. Chairman, I hope that you will continue this Subcommittee's long-standing bi-partisan support for science funding in the FY13 budget and into the future. Below is a list of the ocean science community's program priorities and recommended funding levels for your consideration.

Recommended Funding Levels:

- National Science Foundation - \$6.6 billion for Research and Related Activities as authorized by the America COMPETES Reauthorization Act of 2010 (PL 111-358)
- National Aeronautics and Space Administration - \$2 billion for Earth Sciences as authorized by the NASA Reauthorization Act of 2010 (PL 111-267)
- NOAA Extramural Research:
 - Competitive Climate Change Research - \$150 million
 - Integrated Ocean Observing System grants and sensors - \$30 million
 - Ocean Exploration and the National Undersea Research Program- \$30 million
 - Sea Grant College Program - \$63 million
 - National Centers for Coastal and Ocean Sciences Extramural Research - \$16 million
- NOAA Education programs - \$40 million

Mr. WOLF. Keith Curtis, vice president, American Foreign Service Association.

THURSDAY, MARCH 22, 2012.

AMERICAN FOREIGN SERVICE ASSOCIATION

WITNESS

KEITH CURTIS, AMERICAN FOREIGN SERVICE ASSOCIATION

Mr. CURTIS. Thank you, Mr. Chairman, Ranking Member Fattah. Thanks for the opportunity this morning on behalf of the American Foreign Service Association to address the Committee.

As you know AFSA represents all 28,000 foreign service employees. In the Foreign Commercial Service, we have the responsibility for supporting U.S. business interests internationally. In that effort, we do everything from supporting human rights and commercial activities, where the Chairman has been a great champion, to assisting small- and medium-sized businesses, major U.S. employers, investment in America, and serving in dangerous locations.

The commercial service is at the heart of the key effort to expand our exports. As you know, we've been expanding about 17 percent per year, 14 percent last year. We're proud to serve our country in an effective way, especially in time of need, and, frankly, we consider ourselves lucky that we have a measured, measurable, and focused mission. We're core motivated foreign service officers with business backgrounds and we gain principal satisfaction from getting things done.

However, while the rest of the world, especially countries like China, Korea, and Germany, has been gearing up its export machines, we've been shrinking ours. We have gone from over 1,250 employees in the year 2000 in the international field to barely 900 last year. Thankfully, this Committee and you all have recognized these problems over the last couple of years and the importance of our mission. We're very grateful for the increased voted last year of \$10 million. That was a lifeline. Thank you very much for your work on the Committee.

Unfortunately, much of it was absorbed by internal increased costs. Internal centralized services charge to the commercial service increased from \$15 million in 2001 to \$29 million this year. Almost 100 percent. Because cost increases are outpacing budgets and because of the strategic decisions to reposition, we've had to close posts overseas.

We can all agree that exports are critical to our national well being and is one of the clear paths to growth. In 2010, the commercial service directly helped generate \$34.8 billion in exports. That's over 18,000 business clients. For every \$1 the Committee invested in the commercial service, we have \$135 of demonstrated exports assisted. That's a pretty good return on investment.

We appreciate greatly the support of the Committee to support commercial service. My main purpose of being here today is to thank you for your support and implore you to continue that support in the tough budget times ahead.

I also wanted to say that our concern is not about the future. It's not as about budget difficulties. At the same time, we are under enormous budget pressure, restructuring proposals, and Washington could have severe consequences in our ability to be effective. We recognize the need to increase organizational effectiveness that engendered the President's fiscal year '13 budget proposal to decrease the International Trade Administration from four units to three units. We believe that accordance of this proposal is important that the organization should be field driven.

But our concern is that this merger may result in an organization that puts less priority on getting the job done on the ground internationally. The key will be to make sure that the top management jobs are reserved for senior employees with firsthand experience, working with U.S. businesses on the ground when we do this.

The members of the Committee know that it is only when the reality is a local environment drive the processes in Washington that we can be effective in the long run. You cannot teach a man to fish until you've caught some fish yourself. This is especially important in a critical budget period when we have to focus on the must haves, the must dos, and the nice ideas, not the nice ideas.

We are to examine any proposed restructuring by ITA and/or the commercial service to ensure it is driven by real field experience and the needs of the clients, not by what is imagined, but what is actually proven in practice. Thank you for your time today and God bless on your work on the Committee.

Mr. WOLF. Thank you, Mr. Curtis. I appreciate your testimony.

Mr. FATTAH. Thank you. And thanks to the association for the work you've done.

Mr. CURTIS. Thank you.

Mr. WOLF. Thanks.

[The information follows:]



Testimony of Keith Curtis
Vice President, American Foreign Service Association, FCS

House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
Chairman Frank Wolf

The Fiscal Year 2013 Budget
Hearing March 22, 2012

Distinguished Chairman, Representative Hutchinson, and distinguished members of the subcommittee: on behalf of the American Foreign Service Association (AFSA) I thank you for the opportunity to speak before this subcommittee on the subject of FY 2013 appropriations for the Commercial Service. The US&FCS, (or Commercial Service) which is part of the International Trade Agency (ITA) of the Department of Commerce, was funded in FY 2012 at \$269,817,723. AFSA recognizes that we all, and particularly you as our elected representatives, need to make difficult decisions about our nation's priorities. We support thoughtful and effective reductions in spending in the right places, as well as redirection of where we do make investments. We are ready to serve as a constructive source of active duty insight and perspective.

The American Foreign Service Association (AFSA), established in 1924, is the professional association of the United States Foreign Service. With some 16,000 dues-paying members, AFSA represents over 28,000 active and retired Foreign Service employees. In the Foreign Commercial Service (FCS), which I represent as the Vice President of AFSA, we have principal responsibility for supporting US business interests,

promoting exports, attracting foreign investment, and defending the prosperity of our economy in the major international markets. In that effort, we do everything from supporting human rights in commercial activities, where the Chairman has been a great champion; assisting small and medium-sized businesses that would find it difficult or impossible to export without our assistance; assisting major US employers and exporters, like the airplane and turbine manufacturers, who could easily lose billions in contracts without the special advocacy that the US Government can provide; to serving in dangerous locations in markets like Iraq, Afghanistan, Libya and elsewhere to help establish and reestablish the fundamentals of an economy and trade that creates long lasting stability. The Commercial Service is at the heart of the key effort to expand our exports, which have been increasing at 17% per year. We are proud to serve our country in an effective way, especially in this time of need, and frankly consider ourselves lucky that we have such a focused, measurable mission. We are a corps of motivated Foreign Service Officers, mostly from business world backgrounds, that believe-in and gain principal satisfaction from getting things done, not talking about them.

However, while the rest of the world, especially China, India, and Germany, has been gearing up its export machines, we have been dismantling ours over the last decade. We have gone from over 1,275 employees in 2000 in the international field to barely 900 last year (see attached chart). Thankfully this committee has recognized these problems over the last several years and the importance of our mission. We are very grateful for the increase voted last year of \$10 million for our operations. This was a lifeline. Unfortunately, much of it got absorbed by internal increased costs and we have barely been able to hold our own. Centralized services charged to the Commercial Service increased from \$15 million in 2001 to \$31 million this year. In fact, because costs are outpacing increased budgets and because of strategic decisions to reposition our overseas offices to more critical growing markets, we have had to close posts and not fill many more with considerable disruption to our trade programs. On both sides of the isle, we all agree that in a global economy exports are critical to our national well-being. In fact, economists believe that it is one of the only clear paths to growth. In 2010, the Commercial Service directly helped generate \$34.8 billion in US exports, assisting over 18,000 business clients. For every \$1 dollar invested in the Commercial Service we produced \$135 in directly assisted exports. We appreciate greatly the support this committee has given to the US&FCS especially in difficult budget times and we implore you to continue that support as you did last year.

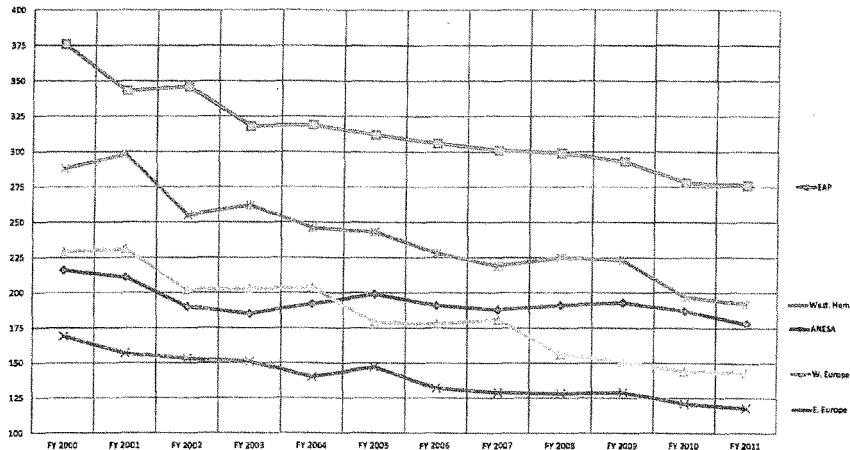
Our concern about the future is not limited to the budget difficulties of maintaining a far-flung international export promotion network. At the same time that we are under enormous budget pressure, restructuring proposals in Washington could have severe consequences on our ability to be effective and could diminish the contributions of the 1200+ people in the Commercial Service. We recognize the need to increase organizational effectiveness that engendered the President's proposal to decrease ITA from 4 to 3 Assistant Secretary positions in the FY 13 budget proposal. We believe at the core of this proposal is the important idea that in order to be effective and maintain a strong Foreign Commercial Service, the organization should be field-driven. Our concern is that this merger of 4 units to 3 may result in an organization that less reflects the priorities of getting the job done on the ground internationally. It can be done poorly, with grave consequences, or in a way that increases the importance of the clients and getting the work done. The key will be to make sure that top management jobs are reserved for senior employees with first-hand experience working with US businesses on the ground in foreign markets. The members of the committee know better than anyone that it is only when the experience and realities of the local environment drive the process in Washington that they can be effective in the long run. It is the same in your business as it is in ours. Only the people on the ground who have lived the day-to-day work of providing real solutions in the international environment can bring to bear the experience that is needed. You cannot teach a man to fish until you have spent real time fishing and have actually caught fish. You have to know where the fish bite and what lures them. We need to have the DAS-level management positions that we report to reserved for those who have lived the job in the field. Too many ideas get hatched here in Washington without a connection to their realistic potential. This is especially important in a critical budget period when we have to focus on the must-have's, and the must-do's; not on the nice ideas. We urge you to examine any proposed restructuring of ITA or the Commercial Service to insure that it is driven by real field experience and the needs of the clients; not by what is imagined, but by what is proven.

Thank you for your time and consideration.

FCS Staffing Levels by Region
2000-2011

	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
AFRICA	1,100	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
ASIA	1,100	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
EUROPE	1,100	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
GLOBAL	1,100	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050

FCS Worldwide Staffing by Region



Mr. WOLF. Michelle Norvell, project manager for the Fort Bragg Groundfish Association. Welcome.

THURSDAY, MARCH 22, 2012.

FORT BRAGG GROUND FISH ASSOCIATION

WITNESS

MICHELLE NORVELL, PROJECT MANAGER, FORT BRAGG GROUND-FISH ASSOCIATION

Ms. NORVELL. Thank you. Chairman Wolf and members of the Subcommittee, thank you for this opportunity to appear before you to discuss the President's 2013 budget as it relates to NOAA's program and I ask for your continued support.

I want to say thank you for recognizing the historic relevance and future promise of the fishery. The investment you make today will have a profound effect on protecting jobs in vulnerable fishing communities along our coast and will benefit larger scale environmental and an economic recovery in the West Coast fisheries.

Under NOAA's new program, there have been many successes achieved in the fishery. We saw unprecedented cooperation and collaboration among fishery stakeholders. Regional fishing associations have been established to create a model for area base management. High catch risk arrangements have been formed to collectively share and manage fish species, fishermen are fishing smarter by tracking and mapping fly-catch events and sharing the information using innovative technology among other risk pools.

By maximizing harvest of target species and avoiding by-catch, fisherman communities that rely on them are gaining ground economically. The extremely limited amount of overfished species that are allocated to the individual fishermen continues to be the biggest concern. We have found the best way to manage the risk of being shut down is to do a collective management approach. New collected arrangements are forming and emerging as the preferred model for better addressing overfished species management.

In the simplest form, the risk pool functions by members contributing all or some of their by-catch quota share to a single pool managed by one person. Comprehensive regional fishing plans are created with proactive and reactive terms to carefully and thoughtfully manage overfished species annually among members.

Efforts in 2011 between fishermen in the central coast of California and northern California, with the Nature Conservancy as their strategic partner, resulted in the creation of a central coast risk pool agreement in which 13 vessels participate. Using this approach, the fishermen immediately reduced the risk of being put out of business.

This approach has also contributed to a substantial year round sustainable year round fishery. Members of our risk pool collectively kept their usage of by-catch quota to two percent, helping to rebuild these important species populations, while the West Coast caught over 30 percent of its annual by-catch quota. The outcome is an example of how cooperative fishing management taking place at the community level can help fishery participants and conservation interest improved fishery management. These type of collective

arrangements in area base management hold enormous promise for stabilizing fishing activity in smaller scale fishing ports.

Managing costs in the new program is also a major concern. Program implementation, rising observer costs, and the expense from the trawler buyout program, created a heavy financial burden on the new program. The accumulation of these costs currently tied to the catch-share program threatened smaller scale fishing operations and the ports they call home. Without manageable costs, consolidation of small fishing operations will begin to occur quickly and take hold. They will have serious impacts in small fishing ports as resources shift from many smaller ports to larger ports.

The high cost to lease or buy quota pounds presents another challenge to small fishermen who are competing with larger scale operations. Without adequate resources for fishermen, our community associations to precious quota, further consolidation and dismantling of small fishing port communities are likely to occur. In 2011, the cost on an observer was \$360 a day. And in 2012, it rose to \$420.

Cost effective monitoring, such as electronic monitoring, are vital to finding efficiencies in the observer program. The recent plan released by NMFS implement an electronic monitoring feasibility plan for the West Coast program, is a promising step forward. The groundfish association and the central coast groundfish association agency conservancy coastal bridge to help them with the development and the design of their program. Industry has opened a dialogue with NMFS to identify feasible ways to extend transitional funding for observers for a period longer than three years.

Industry stakeholders and administration are working in unison to respond to the emerging issues and changes in IFQ fishery. By-catch rules rules and carrier based management through regional fishing associations are important tools and need further developments, support, and guidance from NOAA. Industry needs the gift of time and resources to address and implement the needed changes. The level of funding for NOAA in 2013 is vital to maintain function and give success to this highly complex West Coast catch-share program.

Thank you, again, for this opportunity and I'm happy to answer any questions you may have.

Mr. WOLF. Thank you very much for your great testimony.

Ms. NORVELL. Thank you.

Mr. WOLF. Thank you.

[The information follows:]

STATEMENT OF MICHELLE NORVELL
PROJECT MANAGER
FORT BRAGG GROUND FISH ASSOCIATION

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES

March 22, 2012

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee, thank you for this opportunity to appear before you to discuss the President's 2013 Budget as it relates to NOAA's catch share program, [the] Pacific Coast Groundfish Trawl Rationalization Program.¹

I also want to express my appreciation for the opportunity to say thank you for your commitment and dedication in 2012 in bringing success to the Program and in recognizing the fisheries historic relevance as well as its future promise of sustainability and economic recovery of the West Coast groundfish fishery.

There has been hard work and many accomplishments achieved at every level. From the individual fishermen, from whom I've witnessed the most impressive, innovative and collaborative work in maintaining forward progress in achieving economic growth while managing and reducing catch events of overfished species through the development of unique arrangements with strategic conservation partners. To National Marine Fisheries Service and Pacific Fisheries Management Council for its tireless efforts in responding to emerging needs of industry, and from NOAA with its clear goal to help create more jobs in fishing communities through the rebuilding of fish stocks along with the promotion of sustainable fishery practices. Dr. Lubchenco's hands-on approach and community outreach proved very effective in identifying key challenges facing industry in the first year of implementation.²

Fishermen still however face many challenges in this new program. The most critical issues remain to be (1) effective management of over-fished species, (2) finding efficiencies in managing costs while achieving monitoring goals, and (3) involuntary consolidation of smaller fishing operations.

¹ Amendments 20 (Trawl Rationalization) and 21 (Insector Allocation) and tailing amendments to the Pacific Coast Groundfish Fishery Management Plan, codified at 50 C.F.R. Part 660.

² August, 2011 Morro Bay, California - Dr. Lubchenco met with partnership identifying specific issues and actions that our partnership and NOAA could take to achieve successes in the program.

Challenges in the First Year

Over Fished Species (OFS): The management of overfished species (OFS) presents one of the biggest obstacle to the success of the new West Coast groundfish catch share management structure not only because the low supply of OFS constrains individual fishermen's harvest plans, but also because OFS are not entirely predictable and fishermen could unintentionally harvest their respective annual allocations for one or more of the OFS. Furthermore, large "lightning strike" catch events of OFS have the potential to prematurely shut down the fishery.

Managing Costs /Achieving Monitoring Goals: Managing costs in the new program is a major concern and requires a collective and innovative approach to identifying alternative methods of monitoring in order to find efficiencies and costs savings necessary for feasibility. The economic challenge fishermen face include the rising cost of operating expenses \$4/5 diesel prices, 5% buyback loan, 3% cost recovery, and the increasing responsibility for observer coverage. In 2011, the cost of an at sea observer was \$365 per day. In 2012, the cost rose to \$420 per day with the added cost of air/land travel expenses. Industry is currently on a 3 year roll out for government transitional funding at 90%, 50%, 0% at which time observer costs will be borne entirely by the individual fishermen and costs could be nearing \$500 per day.

Access to Online Fish Management Data: We have identified that the management of high volumes of complex fisheries data is one of the largest constraints impeding the effective operation of new collective arrangements within the IFQ fishery. Access to and management of fisheries data is integral to the ability of individual permit holders and collective groups to make informed decisions designed to meet their fishery management objectives. Simplified access to this information would allow collective groups to track collective quota use, map locations of OFS events and alert cooperative members for future trips. Collective access to online quota data is fundamental to understanding and collectively managing the risk of catching OFS.

Currently, the fisheries data, including catch composition data from fish tickets and observer data are available to permit holders on the NOAA IFQ web application at <https://www.webapps.nwfsc.noaa.gov/ifq/>; however, this current system is inefficient. Under the current system, a collective organization must first request the credentials of each permit-holding member and then using the credentials the collective organization's manager must separately download data files for each trip and subsequently upload these files the collective group's database. This method is insecure, inefficient, and costly because it requires the sharing of credentials and the manual downloading and uploading of each individual permit holder's data. In addition, this process potentially increases the number of circumstances where data could be mistakenly altered.

Involuntary Consolidation: The accumulation of all the cost currently tied to the catch share program is well over 8% and that's before any bills or salaries are paid out. Industry cannot bare these costs without substantial consolidation occurring. The additional costs placed on the

industry will have significant consequences on smaller scale fishery operations. When smaller operations find they can no longer afford the burdensome costs, they will be forced to consider leasing their quota pounds or selling their permit or quota shares to the highest bidder – most likely to larger scale operations from outside areas thereby decreasing local harvest landings and weakening infrastructure. The unintended consequence of involuntary consolidation can cause wide-scale collapse of small fishing port communities particularly the already vulnerable ports along California's coast.

Successes in the First Year

Fisherman Working Together: In the first year of the catch share program, we saw unprecedented cooperation and collaboration among fishery stakeholder. In this new West Coast groundfish IFQ management structure, fishermen are increasingly working together in groups, or collective arrangements, sharing information and knowledge in order to address the most critical issues facing the fishery. Collective arrangements are forming to better address overfished species (OFS) management through the development of OFS risk pools with the purpose of collectively managing, avoiding and rebuilding overfished species while increasing revenue by maximizing harvests of target. OFS risk pools are now established or emerging in Ilwaco, Washington, Fort Bragg, California, the Central Coast of California, and within both the shoreside and offshore whiting fisheries.

Risk Pool – Innovative Approach to Managing Overfished Species: The collaborative efforts in 2011 between fishermen in the Central Coast of California and Fort Bragg, California with The Nature Conservancy as their strategic partner resulted in the creation of the Fort Bragg/Central Coast Risk Pool Agreement in which overfished species quota is shared among the two fishing association.

As part of the agreement, each participating association in the Risk Pool agrees to pool and share their OFS quota pounds, develop a region specific fishing plans that outlines specific spatial fishing plans by gear type (trawl, fixed gear and Scottish seine) that utilized the best available fishermen's knowledge and conservation planning efforts to minimize the chances to encounter OFS while maximizing the harvest of target. This group includes 13 vessels along central and northern California from CCSGA and FBGA ranging between ports from Port San Luis (Avila) up to Fort Bragg, CA, including 5 trawl vessels, 7 fixed gear vessels (3 longline, 3 pot/trap), and 1 Scottish seine vessel.

Since implementing the Risk Pool and Regional Fishing Plans, participating fishermen immediately reduced the risk of being put out of business by an accidental encounter with overfished species (OFS). Through careful planning and improved communications, fishermen have successfully decreased encounters with OFS, and improved access to target species. The arrangements have contributed to a sustainable year-round fishery by helping fishermen avoid OFS hot spots through spatial planning, standardized mapping, increased communication, and

innovative near real-time catch account through eCatch, a web-based application developed by TNC and used with an iPad that functions as an electronic replica of the State's [California] paper log book.

Members of this Risk Pool collectively kept their usage of pooled quota of OFS to 2% helping rebuild these important species' populations, while the West Coast fleet caught over 30% of its annual quota of OFS. This outcome is an example of how cooperative fishery management, taking place at the community level can help fishery participants and conservation interests improve fishery management. These types of collective arrangements such as risk pool hold enormous promise for stabilizing fishery activity in smaller scale fishing port communities.

Managing Observer Costs: Cost effective monitoring through the development and use of monitoring alternatives such as electronic monitoring, are vital to finding cost efficiencies in the observer program. The Fort Bragg Groundfish Association, the Central Coast Sustainable Groundfish Association, and The Nature Conservancy together as a combined effort to represent industry and conservation perspectives, has submitted a proposal brief to NMFS to help with the development and design of an appropriate Electronic Monitoring program it plans to pilot in the next coming months. We are looking forward to working with NMFS, fishery regulators and enforcement, and any other key stakeholders to address concerns from all groups to help build an effective EM program that would be in full compliance with existing regulations under the IFQ. in regulatory flexibility for fishery stakeholders to work together in collective groups through the creation of overfished species risk pools and funding for these models, simplified access of fishery management data for collective groups to track and manage OFS and target quota use, and spatial mapping of OFS events, and continued funding support for PFMC to work on emerging issues from year one, and finally, the need to modify the schedule for observer reimbursement to better enable more cost effective innovations to be place

Simplified Access to Online Fish Management Data: Working in collective groups is becoming the standard in this IFQ management structure. Our partnership supports the work NMFS has done to develop their systems to make data available online and it has certainly facilitated a smoother transition to this new management approach. Although the development of these new systems has allowed the IFQ fishery to progress, participants from across the fishing industry have joined together and are seeking to collaborate with NMFS to further improve the way data are accessed from these systems and ensure the success of the IFQ fishery.

A solution to this problem that would allow for collective institutions to operate effectively over the longer term is comprised of two critical components: (1) permit holders retain full control of their personal and confidential data but are given the option to grant collective organizations (e.g. co-ops or risk pools) access to those data, and (2) collective groups gain automated access to multiple member accounts rather than having to download and upload data at the individual trip level to increase the efficiency and timeliness of data accessibility and acquisition. Streamlining data accessibility and providing access to multiple accounts will improve cost efficiencies and

ensure data accuracy cutting out the intermediary steps of downloading and uploading individual files that are currently carried out by risk pool or cooperative managers.

Consolidation: Success of this program cannot entirely be measured until the full weight of implementation is felt by industry, and while industry is working at record speed to find solutions, time is working against it. Insufficient transition time and resources to carry the program out of infancy, may prove fatal to the long term success of the program.

We strongly believe that outcome can be avoided. In order to give the fishermen and the program overall the best chance for long term success, it is important to provide more adequate transition time and the necessary resources to carefully and thoughtfully identify the solutions and carry out implementation. It's important to recognize the need not to place too much burden on the fleet this early in the program and in do so will allow industry to work through challenges:

- To find a way to feasibly extend transitional funding for observers for a longer period (5 rather than 3 years) and not require fleet to cover 50% of observer costs next year. Maybe 20 or 25% would be more appropriate.
- This will allow the following to occur without the added pressure of simultaneous consolidation due to burdensome costs:
 - Electronic Monitoring studies to occur and to come on line to reduce costs
 - Petrale to rebuild giving the fleet a better chance to cover increasing costs
 - Reallocation process of window (which has come off the OFS list) that will increase catch for species that co-occur with it
 - Reallocation process of Whiting (resulting from litigation)
 - Modification of regulations that restrain flexibility
 - Simplified data management access for collective groups managing OFS

Conclusion

Industry Stakeholders and Administration are working in unison to respond to the emerging issues and changes in the IFQ fishery. The level of funding for NOAA in the 2013 budget is vital to maintain current and additional functions within this new and highly complex management system.

I would like to close by again thanking you for this opportunity to discuss fishery priorities in the Pacific Coast Groundfish Trawl Rationalization Program. Your previous and current investments have paid off well in the first year of the program and with your continued investment, the program will have the best chance to transition into a successfully catch share management system achieving the goals of the program.

I am happy to answer any questions you may have.

Mr. WOLF. Ron Wasserstein, executive director, American Statistical Association.

THURSDAY, MARCH 22, 2012.

AMERICAN STATISTICAL ASSOCIATION

WITNESS

RON WASSERSTEIN, AMERICAN STATISTICAL ASSOCIATION

Mr. WASSERSTEIN. Chairman Wolf, Mr. Fattah, staff members, thank you for this opportunity. I'm here on behalf of the American Statistical Association to support the fiscal year '13 budgets for several agencies in the fiscal year '13 Commerce, Justice, Science, and Related Agencies appropriations bill.

Specifically, the ASA supports the fiscal year '13 budget request for the National Science Foundation, the Census Bureau, the Bureau of Economic Analysis, the Bureau of Justice Statistics, and the \$5 million proposed in the National Institute of Standards and Technology budget to improve the science in forensic science.

Fully funding the fiscal year '13 request for Census and BEA is important for three reasons. Their data facilitate economic growth and development, efficient government, and the saving of taxpayer money. Regarding economic growth and development, the private sector makes heavy use of Census Bureau and BEA data in its decision-making whether it be determining where to place a new retail outlet or siting a manufacturing plant. The data help answer questions on available work force, potential customer base, infrastructure, and inventory. The higher the quality of the data, the more confident the business community can be in the success of their job creating investments. With respect to efficient government, Census data helped to provide or to guide federal spending on everything from veterans affairs to transportation to Medicare. High quality data helps to avoid a scenario of unnecessary federal investments. And regarding saving taxpayer money, the GAO has said that the 2020 Census could cost of \$17 billion more than the 2010 Census, unless major design changes are made. With 2020 Census research and planning well underway, underfunding Census in these early planning years could cost taxpayers billions of dollars down the road.

The fiscal year '13 request for the Bureau of Justice Statistics would allow the agency to continue its improvements to the national crime victimization survey. This survey is unique because it is the only national comprehensive survey that provides crime statistics from the victim's perspective. Without the fiscal year '13 level, BJS will not be able to provide crime data down to a more regional level, information that helps law enforcement officials and policymakers improve public safety. Just as important if not more so, the fiscal year '13 request would allow research to improve the measurement of rape and sexual assault, the most under reported crimes in the United States.

We turn to the National Science Foundation. Statistics is the science of collecting and analyzing and understanding data and thereby permeates and aids all scientific disciplines. As such, sta-

tistics is important in all NSF directorates and is funded throughout.

We ask your support for the fiscal year '13 budget for NSF and we thank you for your support of scientific research to maintain our global competitiveness. Lastly, I urge you to support the \$5 million proposed for measurements, science and standards in support of forensic science at NIST. Despite the urgent calls for forensic science reform pointed out in a 2009 National Academies report, little has been done. \$5,000,000 for improving science and forensic science is an important first step to ensuring science best serves our justice system.

Thank you very much, Mr. Chairman and Ranking Member, for the opportunity to present the American Statistical Association's views on funding for these important scientific and statistical agencies.

Mr. WOLF. Thank you very much for your testimony, Mr. Wasserstein. Mr. Fattah.

Mr. FATTAH. We appreciate your testimony and we'll take it under advisement.

Mr. WASSERSTEIN. Thank you, sir.

[The information follows:]

**Testimony of
 Ron Wasserstein, Executive Director, American Statistical Association (ASA)
 to the
 Commerce, Justice, Science Subcommittee, House Appropriations Committee
 Honorable Frank Wolf, Chairman
 Honorable Chaka Fattah, Ranking Member
 March 22, 2012**

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee:

I am here today on behalf of the American Statistical Association (ASA) to support the FY13 budgets for several agencies in the FY13 Commerce, Justice, Science (CJS) and Related Agencies Appropriations Bill. Specifically, the ASA supports the FY13 budget requests of \$7.373 billion for the National Science Foundation (NSF), \$970 million for the U.S. Census Bureau, \$97 million for the Bureau of Economic Analysis (BEA), \$60 million for the Bureau of Justice Statistics (BJS), and the \$5 million proposed in the NIST budget to improve the science in forensic science.

The ASA is the professional association of more than 18,000 statisticians in industry, academia and government. As the world's largest community of statisticians and the second oldest continuously operating professional society in the United States, the ASA promotes sound statistical practice to inform public policy and improve human welfare by supporting excellence in the development, application, and dissemination of statistical science through meetings, publications, membership services, education, and accreditation.

While one might think of these afore-named agencies as unrelated, there is a strong connection between the research and statistical agencies. NSF funding supports the research that fuels American innovation, which, in turn, drives economic growth and job creation. The BEA and Census Bureau help provide the data to help navigate economic recovery in the ultra-competitive global market.

Since many others today are testifying in support of the NSF budget, I will begin with the statistical agencies.

Fully funding the FY13 requests for Census and BEA are important for three reasons. Their data facilitate: i) economic growth and development; ii) efficient government; and iii) the saving of taxpayer money.

- i. **Economic growth and development:** the private sector makes heavy use of Census Bureau and BEA data in its decision-making, whether it be determining where to place a new retail outlet or citing a manufacturing plant. The data help answer questions on available workforce, potential customer base, infrastructure and what to stock. The business community has been loud and clear over the last year on how important this data is to them. The higher the quality of the data, the most confidence the business community can have in the success of their job-creating investments.

- ii. **Efficient Government:** Census data help to guide federal spending on everything from Veterans Affairs to transportation to Medicare. High quality data helps to avoid the scenario of new roads or other federal investments not being used.
- iii. **Saving taxpayer money:** the GAO has said the 2020 Decennial Census could cost \$17 billion dollars more than the 2010 Census, or more than double, unless major design changes are not made. With 2020 census research and planning well underway –\$131 million requested in FY13 for research and development – underfunding Census in these early planning years could cost taxpayers billions of dollars down the road.

The FY13 request for BJS would allow the agency to continue its improvements to the National Crime Victimization Survey (NCVS). This survey is unique because it is the only national comprehensive survey that provides crime statistics from the victim's perspective and so is an important complement to the crime statistics provided from law enforcement. Without the FY13 level, BJS would not be able to provide crime data on a more regional level or to improve measurement of rape and sexual assaults. Just as it is important to understand population or health trends on a sub-national level, so too can sub-national crime data help law enforcement officials and policymakers better attend public safety. Just as important, if not more so, the FY13 request would allow research to improve the measurement of rape and sexual assault. As the most under-reported crimes in the United States, it is imperative to better understand how to measure them in order to address these crimes.

Let me turn now to the National Science Foundation. Statistics is the science of collecting, analyzing and understanding data and thereby permeates and aids all scientific disciplines. As such, statisticians are funded throughout the NSF. The Division of Mathematical Sciences in the MPS Directorate houses the core of statistics methodology research. The National Center for Science and Engineering Statistics – one of the 13 principal federal statistical agencies – is essential to assessing the vitality of the U.S. research and development enterprise and so is vital to informing U.S. competitiveness in today's ultra-competitive global market.

Lastly, I urge you to support the \$5 million proposed at NIST for Measurement Science and Standards in Support of Forensic Science. The 2009 National Academies report, *Strengthening Forensic Science in the United States: A Path Forward*, documented substantial weaknesses in many of the forensic science disciplines. Despite the urgent calls for forensic science reform, little has been done since the 2009 report. \$5 million for improving the science in forensic science is an important first step to ensuring science best serves our justice system.

Thank you very much, Mr. Chairman and Congressman Fattah, for the opportunity to present the American Statistical Association's views on funding for these important science and statistical agencies.

Mr. WOLF. Next, Matt Ruby, president of the South Atlantic Fishermen's Association. And joining him I think is former Congressman, Mr. Walsh.

Mr. FATTAH. Let me also acknowledge the presence of our friend, the former chair of this Committee and a great and distinguished American, Mr. Walsh.

THURSDAY, MARCH 22, 2012.

SOUTH ATLANTIC FISHERMEN'S ASSOCIATION

WITNESS

MATT RUBY, PRESIDENT, SOUTH ATLANTIC FISHERMEN'S ASSOCIATION

Mr. RUBY. Chairman Wolf, Ranking Member Fattah, members of the Subcommittee, thank you for allowing me to testify before you today to discuss matters of great importance, fisheries management. I would like to ask that my written statement be submitted for the record. I am here to talk to you about the future of our fisheries, both as a commercial fisherman and as president of the South Atlantic Fishermen's Association, also known as SAFA.

I have been a commercial fisherman for over 14 years and have been running my own business, a fishing business, since 2006. My job, ability to provide for my family, and future livelihood is dependent on a healthy fishery. Like other SAFA members, without healthy fish stocks, I will not have a stable job and I will be unable to support my family.

The current management in the south Atlantic region is not working. Since February, two fisheries in the region have closed, red snapper and golden tile fish. These closures mean fishermen cannot work or provide for their families and their future as a commercial fisherman is in question.

It also means that local businesses like restaurants and suppliers, are also suffering. Unproductive fisheries impact entire communities. We want a healthy fishery so that we can continue to maintain our businesses and jobs, support our families, and to be productive members of society.

Therefore, SAFA is strongly in support of exploring catch-shares to help restore our fisheries and sustain our jobs. Catch-shares have a proven track record in other regions and we would like the chance to explore those in the south Atlantic. Catch-shares lengthen fishing seasons, increase safety, improve full time employment in the commercial sector and provide much needed flexibility. Flexibility would allow fishermen to fish in safer conditions, capitalize on the best market conditions, and be present at important family events.

SAFA supports funding for catch-shares, including the requested \$28 million for the national program and respectfully ask the Subcommittee to support catch-share funding and restore the \$5 million in funding for the regional councils, which will help manage our fisheries.

SAFA is concerned about efforts to pass legislation and limiting the ability of regional councils to consider catch-shares as a management option. We are pleased to see that the Committee and, ul-

timately, Congress passed a bill last year that funded catch-shares and did not continue the prior year's prohibition on the use of federal funds for catch-shares. We commend you for this.

We understand that fisheries management decisions are often complicated, contentious, and difficult. But what SAFA wants as local stakeholders is the opportunity to work with the South Atlantic Fisheries Management council to evaluate and adopt catch-shares, if that is what is best for the resource. With the management tools authorized by Congress, including catch-shares, on the table, we can determine locally what is best for our businesses and the future of South Atlantic fisheries. It should be our decision, not budget decisions, or legislation that determine the use of them in the South Atlantic.

Our region's commercial fishing industry is in trouble. Our jobs, our livelihoods, and our communities are in trouble. We need management tools that will help rebuild and sustain fisheries and will allow us to keep our jobs. Catch-shares can be one of those tools and we ask that you follow the same path that the Committee took last year, providing funding for catch-shares and rejecting provisions that would restrict the use of catch-shares.

This is a time when Congress should be providing more tools for fishermen to save our struggling businesses and local fishing communities, not taking options away from us to impress anyone from Washington, DC.

Thank you for your consideration and SAFA looks forward to working with you again this year in support of our fisheries and commercial fishermen. Thank you.

Mr. WOLF. Thank you very much for your testimony. I appreciate it. Mr. Fattah.

Mr. FATTAH. Thank you. And we learned yesterday that, unfortunately, a large majority of our seafood is imported from other places, so we should be supportive in making sure that we have a healthy fishing community in our own country. Thank you.

Mr. RUBY. Thank you.

Mr. WOLF. Would that help to have all seafood labeled as to where it comes from?

Mr. RUBY. Yes, definitely. I know that they tried in some areas, like, say, in the Myrtle Beach area in South Carolina to pass laws that require restaurants to, you know, if a consumer comes in and they ask if it's wild caught or local, they're supposed to have to tell them.

Now, I don't know how far the enforcement is going with that as far as, because they could go back and ask the chef and just say, yeah, tell them it's wild caught. But anything, you know anything that, you know, would help with, I mean, if restaurants use imports, I mean, that's fine, but it should be separate, your wild caught and your imports. They shouldn't deceive people because a lot of that is going on. And where people are serving grouper sandwiches and it's Asian catfish. I mean, if they want to serve it, that's fine, but they shouldn't say it's grouper and serve it to customers.

Mr. FATTAH. Okay.

Mr. RUBY. So labeling and making sure what's what would definitely help.

Mr. FATTAH. Thank you very much.

[The information follows:]



**STATEMENT OF
MR. MATTHEW RUBY
COMMERCIAL FISHERMAN AND PRESIDENT OF THE
SOUTH ATLANTIC FISHERMEN'S ASSOCIATION
BEFORE THE
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND RELATED
AGENCIES OF THE HOUSE APPROPRIATIONS COMMITTEE**

MARCH 22, 2012

The South Atlantic Fishermen's Association (SAFA) offers this statement in support of at least \$28 million for the National Oceanic and Atmospheric Administration's (NOAA's) catch share funding line item in its Fiscal Year 2013 (FY13) budget request. Catch shares were explicitly authorized by Congress as part of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and have proven to be an effective market-based approach for improving the economic viability of fisheries *and* the conservation of fishery resources.

SAFA is a new and growing organization made up of fishermen and seafood lovers from North Carolina to the Florida Keys. We work to protect the Southeast's fishing heritage by advocating for sustainable year-round fishing rules, collecting better fishery science, and connecting consumers and businesses with fishermen to improve the abundance and accessibility of local seafood. We also want to pass our fishing heritage on to future generations.

Commercial fishing in the South Atlantic is an important part of the economy, and local fishing supports jobs and the seafood industry, generating more than \$7 billion in annual sales and supporting 137,000 jobs. Unfortunately, those jobs and economic activity are in jeopardy because current management is not working, and as a result, the commercial fishing industry is facing difficult times.

Many fisheries in the South Atlantic are failing. Total allowable catch limits are increasingly exceeded. Fishing seasons are getting shorter, or are experiencing full closures. In the race to fish, fishermen have been less successful in targeting species, thereby increasing regulatory discards required by law. At the same time, fishermen's costs are increasing and revenues are decreasing. Consequently, commercial fishermen in the region are losing their jobs and businesses, and local businesses in communities that rely on the fishing industry are suffering.

Let me give you two examples of how the current system is not working. On February 25, 2012, NOAA announced the official closure of the South Atlantic vermillion snapper fishery. The fishery, a major source of revenue for commercial fishermen in the South Atlantic region, will remain closed until July 1, 2012. It is the second major fishery closure this year, following the closure of the South Atlantic Golden Tilefish in early February. Both commercial fisheries closed early because the current fishery management plans in place are failing to sustain those fish stocks in accordance with the requirements of the MSA.

Thus, once again South Atlantic commercial fishermen are seeing the inefficiency of the current fishery management system at work. The recent string of early closures highlights the need for us to explore other fishery management options.

The vermillion snapper and the golden tilefish fisheries are derby-style fishing – a dangerous race to fish caused by the uncertainty and inconsistency of the current management system. Furthermore, these derby-style fishing methods resulted in less profitable seasons and costly damages to equipment. It is clear that this approach to fishery management is not working.

Everyone suffers from the current management style – commercial and recreational fishermen, suppliers, restaurants, and the public that depends on fresh, local supplies to fill their plates. As commercial fishermen, however, what is occurring in the South Atlantic has a significant impact on our livelihoods. It is vital for us to have a say in how our fisheries are to be managed going forward. Commercial fishermen in the South Atlantic need to be able to utilize options other than traditional management.

Therefore, SAFA strongly supports the \$28 million included in NOAA's FY13 budget request for the National Catch Share Program. SAFA also encourages Congress to consider more funding for catch shares, which will permit regional fishery management councils such as the South Atlantic council to consider management options such as catch shares that could help save our fisheries. SAFA strongly believes that South Atlantic commercial fishermen should continue to have the opportunity to evaluate and develop catch share programs, if appropriate for the fishery, as is currently permitted by the MSA. Funding for catch shares would give us that opportunity.

What we want is management that gives commercial fishermen flexibility and more time on the water. Catch share programs could provide this freedom by enabling fishermen to stabilize their businesses and helping to ensure a sustainable fishery for future generations.

More effective management options, like catch shares, have been demonstrated as an effective approach to helping fishermen keep their jobs *and* sustain their livelihoods and ensure the long-term conservation of the resource. Catch shares have proven effective in virtually every region of the country. These programs have been shown to increase season lengths, improve safety, increase yields and revenues, and improve full-time employment in the fisheries. Given their demonstrated success in other regions, why shouldn't the South Atlantic continue to have that tool in the toolbox?

SAFA's mission is to protect the Southeast's fishing heritage by advocating for sustainable year-round fishing rules, collecting better fishery science, and connecting consumers and businesses with fishermen to improve the abundance and accessibility of local seafood. We believe that catch shares can help us fulfill that mission, and strongly support of the use of catch shares as a fishery management tool.

We also strongly oppose any effort in Congress that would prohibit funding for catch shares or seek to prohibit fishermen from working with the regional fishery management councils to develop and/or implement catch share programs.

To be fair, catch shares may not be appropriate in every fishery. However, under the circumstances, with traditional fisheries management failing, we do not see any justification for Congress to limit fishery management options, including prohibiting the consideration of catch shares, or to take away the right of fishermen and local stakeholders – the people who are most impacted by these management decisions – to decide on the appropriate mechanisms to better manage the nation's fisheries pursuant to the Magnuson-Stevens Fishery Conservation and Management Act.

Moreover, the flexibility of catch shares gives fishermen more freedom to make effective business decisions and makes it possible for fishermen to avoid unnecessary, costly regulatory burdens (e.g., regulatory discards), while at the same time enhancing the conservation of the resource.

Like many other SAFA members, I have spent virtually my entire adult life as a fisherman, working with other fishermen, the regional councils, and other stakeholders to improve the management and conservation of our fisheries. We have the experience and expertise necessary to help develop better management techniques, and we take that responsibility seriously. This is not a fight between recreational and commercial interests, as some have suggested. It is simply an attempt by SAFA to improve the management of commercial fisheries so that we can continue to put food on the table for millions of consumers for years to come.

All we are asking is that Congress allow the regional fishery management councils to do the work of managing and conserving federal fisheries, with input from fishermen and other stakeholders in the region who truly understand the importance of this valuable natural resource and rely on it to provide for their families.

In recent years, South Atlantic fisheries have experienced significant declines in season length and/or major closures. We have been seeing consolidation in the fishery since it became limited access many years ago, and consolidation and shrinkage in the fleet continues today because traditional management is failing to keep fishermen on the water. If the experience with fisheries in the Gulf of Mexico, which are similar to South Atlantic fisheries, has taught us anything, it is that traditional management tools were ineffective in addressing the management and conservation needs of those fisheries. But now, under a catch shares management system, certain commercial fisheries in the Gulf are on the pathway to economic viability and sustainability.

SAFA is simply asking for the same opportunity in the South Atlantic – to be able to evaluate catch share management – instead of legislatively being forced down the path of having to try the same failed conservation and management techniques that did not work in the Gulf.

To give you a sense of the success of catch shares in the Gulf, in August 2011, the Gulf of Mexico Fishery Management Council conducted a five-year performance review of the commercial red snapper catch share program. The Council's advisory panel unanimously gave the program high marks, saying that catch shares have improved commercial fishing in the Gulf of Mexico. The panel said that all objectives of the red snapper catch share program have been met and that, in some cases, they have been exceeded. The goals and objectives of the catch share program were to stop overfishing, reduce discards, and make the industry more economically viable. The panel said that those goals are not only being met, but that the program has also been successful in other ways.

For example, the Council's advisory panel found that the Gulf red snapper catch share program has increased safety at sea, improved and increased reporting and data quality of fish caught, and increased production for each individual fishermen.

Thirty years ago, the Gulf of Mexico Fishery Management Council was trying to reduce the decline of red snapper stocks through a number of management options, such as fishery closures, limiting the number of commercial licenses in the fishery, and restricting the size of fish that could be caught.

Despite these efforts, the health of the red snapper fishery had not improved. In fact, these management tools simply endangered fishermen, who raced to harvest as much red snapper as possible in the short time allowed. They also further depleted red snapper stocks, depressed fish prices, and unnecessarily killed other fish and marine life not intended for harvesting.

It was clear that alternative management techniques were needed.

Based on the Council's findings, it is evident that Gulf fishermen are benefitting from the stability and flexibility that the red snapper catch share program offers. Now, fishermen are able to fish safely, while increasing their profit margins and improving the health of the fishery. The Gulf red snapper management program is proof that catch share programs work and improve fisheries and the communities that depend on them.

After implementing catch shares, fishermen in the Gulf of Mexico were able to fish year-round and provide local, fresh seafood products to consumers. Catch shares helped Gulf of Mexico fishermen cut operating costs and avoid market gluts that drove fish prices down. This resulted in a sustainable commercial fishery and profitable fishing businesses.

SAFA strongly supports the use of fishery management programs that give fishermen the flexibility to fish year-round, the freedom to better manage their businesses, and the foundations to help ensure a sustainable fishery for future generations. We believe that catch share program do those things, which is why we support them. It is clear that the success in the red snapper fishery in the Gulf of Mexico demonstrates the efficacy and viability of catch share programs.

Unfortunately, despite the notable successes of catch shares in other regions, efforts have been undertaken to limit the consideration of catch shares in certain regions. These efforts would effectively and unnecessarily eliminate consideration of a viable management option, and strip fishermen, fishing communities, and fishery managers of a say in the best management options for their regional fisheries.

Local stakeholders should have the freedom to choose catch shares if they want them. Failing to provide adequate funding for catch shares or imposing a moratorium on the adoption of catch shares is bad policy that exacerbates the problems of current management, as we have seen in the South Atlantic. Such approaches also will not save the U.S. government any money – studies have actually shown that catch shares can reduce the federal deficit over time whereas traditional management continues to add to the deficit – and do nothing to address the real issue of restoring the health of our nation’s fisheries and the economic viability of American fishermen.

Traditional fishermen management has failed, yet by prohibiting consideration of catch share programs, the status quo will continue and our fish stocks will continue to decline. Catch share programs provide fishing communities with an opportunity to rebuild their fisheries and implement a sustainable option that will ensure the future health and growth of the fishery.

Taking away fishermen's access to catch shares is not going to end the loss of fishing jobs, or put an end to fisheries closures or consolidation. Any effort to prevent fishermen from considering any management program will only lengthen the struggle for our fisheries, which we cannot afford. Fishermen already feel like they don't have a voice in the process and failing to provide adequate funding for catch shares or imposing Congressional restrictions on catch shares would be just one more step that will distance fishermen from the fishery management process.

The future of our region’s commercial fishing industry is at stake. We need a sustainable fishery and strong fishing businesses that will attract future generations of fishermen. Catch shares are a management tool that could help us achieve this. We need Congress to provide funding and the flexibility for fishermen to work with the South Atlantic Fishery Management Council on catch shares.

Thank you for your consideration and SAFA looks forward to working with you again this year to improve the future health of our nation’s fisheries, enhance jobs in the industry, and improve the economic viability of its fishermen.

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Mr. WOLF. The next witness would be Gabrielle Martin, National Council, EEOC, Local 216.

THURSDAY, MARCH 22, 2012.

NATIONAL COUNCIL OF EEOC LOCALS, NUMBER 216

WITNESS

GABRIELLE MARTIN, NATIONAL COUNCIL OF EEOC LOCALS, NUMBER 216

Ms. MARTIN. Good afternoon, Chairman Wolf, Ranking Member Fattah, and staff. Thank you for the opportunity to address you today. I can appreciate you've had a long day, so I will try to be brief.

I would like to start by thanking you for your support for the National Council for the EEOC. I'm the president of the National Council of EEOC Locals, Number 216, which represents the employees on the front line doing the work of the EEOC.

As you know, we were founded in 1964 and, at the time, enforced approximately five laws. That enforcement authority has expanded to now 13 laws. We act on behalf of all Americans who seek to work, who seek that American dream.

But we're in trouble. Fiscal year '11 capped a four year run of the highest number of charges we've ever gotten and it was just shy of a million for fiscal year '11. We also had the greatest number of retaliation charges that year. There was about 37,000. Remarkably, because we've been able to staff up, we actually finally had one year where we saw decrease in our backlog. If you look at the chart on page five of the testimony we submitted, you'll see the correlation between when we have staff and what we're able to do with the backlog.

But that trend of reversal is in danger because, despite support from this Committee for funding for fiscal year '12, we suffered that two percent across the board cut and that amounted to a \$7 million cut. That cut, coupled with a wave of retirements at the end of fiscal year '11, means we may be looking backwards instead of forward, that is, that backlog may continue to grow.

We don't anticipate that the number of charges will decrease, given the current economic environment. We appreciate that it's a very difficult fiscal year and that your challenges will be many this year and probably into the future. But we are seeking support for the \$374 million for EEOC. On behalf of the employees, we think it's founded, but we're not just coming saying throw money at us. We're also saying this is the third year that we've come to you and said we gave our agencies some plans for some efficiencies because not only the support of this Committee deserves it, but the American public deserves efficiencies with the resources that we get.

So we have said free up investigator time so that we can reduce the backlog and the processing time. And, hopefully, that also means we can reduce the retaliation charges because those charges occur when people are waiting nine months to get their claims addressed and they're now coming back saying we've had additional discriminatory acts, or at least they're making that allegation, and then we have to go investigate it. So that would be one efficiency.

Another efficiency that's fairly budget neutral is that, in 2006, when the agency reorganized, it said it would reduce its employer to employer to manager to staff ratio. It has not done that. So that promise has been unbroken since 2006 and we think, with oversight from this Committee, reporting on who those people are, where they are, and putting them on the front line would also help address the backlog and provide more timely service to the public.

And one final way that we think that the agency could take advantage of efficiencies is, with the limited resources it has, it's to use telework in greater numbers. Our own inspector general has said for many years this is a way to reduce brick and mortar, save money. But type of work we do, investigating, going out, seeing what work places look like, hearing the cases at the federal sector here, mediators going out and mediating cases, these are people who are not in the office every day and using telework could help us save some of those resources.

So those are three highlights behind our very big task. Again, we thank you for your continued support and I'd be happy to answer any questions you have.

Mr. WOLF. Thank you very much. Mr. Fattah.

Mr. FATTAH. Thank you very much for your testimony.

Ms. MARTIN. Have a good afternoon.

Mr. WOLF. Have a good afternoon.

[The information follows:]

**STATEMENT OF GABRIELLE MARTIN, NATIONAL PRESIDENT
 NATIONAL COUNCIL OF EEOC LOCALS, NO. 216, AFGE/AFL-CIO
 TO
 THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
 COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
 ON
 FY13 APPROPRIATION FOR EEOC,
 INCLUDING SUPPORTING ADDITIONAL FUNDING FOR EEOC
 TO REDUCE 78,136 CASE BACKLOG AND 9 MONTH PROCESSING TIMES
 AND OVERSIGHT FOR EFFICIENCIES SUCH AS FULL SERVICE INTAKE
 March 22, 2012**

Chairman Wolf, Ranking Member Fattah, and members of the Subcommittee, my name is Gabrielle Martin and I am the President of the National Council of EEOC Locals, No. 216, AFGE/AFL-CIO. The Council is the exclusive representative of the bargaining unit employees at the Equal Employment Opportunity Commission (EEOC), including investigators, attorneys, administrative judges, mediators, paralegals, and support staff located in offices in 53 cities around the country. I want to thank you for the opportunity to share our views today on the proposed FY13 budget for the EEOC. The Council expresses our appreciation that, despite an immensely tight budget year, this Subcommittee recommended against cutting EEOC's FY12 budget. Unfortunately, EEOC did not escape a 2% across-the-board cut in conference that reduced EEOC's budget from \$367M in FY10 and FY11 to \$360M for FY12. This \$7M cut comes on the heels of four consecutive years of record high EEOC charge filings. Therefore, our number one "ask" is that this Subcommittee support additional funding for EEOC, in the amount of \$374 million. We understand that this year may be an even more challenging budget year than last year. Nevertheless, the Council can confirm from the perspective of EEOC's frontline workers that restoring EEOC's budget is absolutely necessary and justified, in order to efficiently address record high workloads. The Council requests this Subcommittee's continued support to ensure that EEOC can effectively enforce workplace discrimination laws that help Americans get and keep jobs. The Council requests that you include bill and report language in the FY13 funding measure which: (1) supports additional funding for EEOC in the amount of \$374M; (2) directs EEOC to backfill frontline positions lost since the current hiring freeze went into effect in January 2011; (3) directs EEOC to implement efficiencies, like the Cost Efficient Full Service Intake Plan; (4) maintains oversight of headquarters and field restructuring, including the Office of Federal Operations; and (5) requires EEOC to finally pay its debt to employees for willfully violating overtime laws since 2006, pursuant to a Federal arbitrator's final decision dated March 23, 2009.

Introduction:

The EEOC was created by the Civil Rights Act of 1964. The EEOC's jobs focused mission is to enforce this nation's laws, which protect against discrimination in employment based on race, color, religion, sex, national origin, age, and disability. As of 2009, Congress added to EEOC's enforcement responsibilities, three new laws, i.e., the Americans with Disabilities Act Amendments Act (ADAAA), and Genetics Information Nondiscrimination Act (GINA) and the Lilly Ledbetter Fair Pay Act. More applicants and workers came to the EEOC for help getting a fair shot in the workplace in FY11, than in any previous year in the agency's history. The good news is that for the first time in ten years, EEOC was actually able to modestly reduce its

backlog of cases. This achievement was the result of backfilling frontline positions in FY09 and FY10, to account for the loss of 25% of EEOC's workforce earlier in the decade. The bad news is that EEOC still ended FY11 with a staggering 78,136 backlog and dismal 9 month average processing times. Delays caused by the backlog are bad for workers and employers. Also, constituent complaints to Congressional offices will increase. Unfortunately, the current hiring freeze at EEOC, which prevents even frontline backfills, will reverse progress on the backlog. This Subcommittee can help by supporting additional funding for EEOC, in the amount of \$374M and providing report language directing EEOC to implement common sense efficiencies, like the full service intake plan.

Support Additional Funding for EEOC in the Amount of \$374M:

EEOC's workload has never been higher, even though staffing levels remain inadequate. The FY11 record high 99,947 charges of discrimination include a 17% increase in disability filings over FY09. Record high retaliation charges may be attributed to EEOC's slow processing. FY11 represents the EEOC's fourth straight year of historically high charge filings. High charge filings will not drop anytime soon, due to EEOC's expanded enforcement authority over three new laws and related unemployment numbers.

The chart included with this testimony illustrates EEOC's troubling customer service trends. EEOC's backlog crisis was at its worst when it jumped approximately 35% in FY07 and then again in FY08. The runaway backlog was caused by increased charge filings, a 25% reduction in staffing levels due to a multiyear hiring freeze, and several years of flat-funding. Undisputedly, EEOC did not have the resources to serve the public by 2008. It was in this context that President Bush requested a budget and staffing increase for EEOC for FY09, as did President Obama the next year. Congress enacted both requests. With this support, EEOC has been able to modestly reduce the backlog. But now, with the FY12 budget cut, EEOC is going to reverse progress. Once again, EEOC has implemented a strict hiring freeze with no backfills. EEOC's failure to hire within authorized limits, despite a wave of retirements, is crippling the agency. The FY13 budget represents a critical turning point that can stop a temporary setback from becoming a trend. Therefore, the Council respectfully requests that this Subcommittee support additional funding and resources for EEOC.

EEOC Should Implement Efficiencies To Save Money and Improve Service to the Public:

For several years, the Council has shared with the House and Senate CJS Subcommittees common sense solutions that EEOC should implement to improve services. Of course, the Council shared these plans with the agency. Unfortunately, the agency has continually failed to take action. Therefore, the Council respectfully requests report language to provide oversight.

(1) Direct EEOC To Finally Implement The Cost-Saving Intake Plan To Help the Public:

For two years, EEOC has not acted on a Cost Efficient Full Service Intake Plan. On February 22, 2012, EEOC voted on a new five year strategic plan, which completely fails to mention the Council 216's suggested Cost Efficient Full Service Intake Plan. This despite the FY12 report language from the Senate CJS Subcommittee, which was not contradicted in Conference:

Full Service Intake- EEOC is currently reviewing and considering the adoption of a National Full Service Intake Model, which would create dedicated charge intake units in each field office to handle the intake process from pre-charge counseling through charge

filing. The EEOC is directed to submit a report detailing its views on this model to the Committee within 120 days of the enactment of this act.

Council 216 submitted its comprehensive plan for a national Full-Service Intake Plan over two years ago, which is languishing with EEOC's leadership. The cost-saving plan calls for staffing each field office with a compliment of positions and grades (GS-5 through GS-9) able to: advance the intake process from pre-charge counseling through charge filing; handle the backlogged flood of downloadable intake questionnaires; and respond to the approximately 1,200 e-mails received daily.

The intake plan is intended to reduce EEOC's current backlogs and poor customer service, which starts with a bottleneck at the charge intake phase. Currently, mostly senior investigators (GS11 through 12) are pulled away from investigating their cases, as much as 30 to 50% of the time, to conduct intake on a rotational basis. An in-house call center directs the public to downloadable intake questionnaires. These questionnaires are returned, not to in-house call-center staff, but to overwhelmed investigators to conduct intake interviews and draft charges.

The plan integrates the in-house call-center staff, i.e., Intake Information Representatives (IIRs), who already are classified as Investigator Support Assistants (ISAs), but perform only phone answering duties, into dedicated intake units where they would perform the full range of ISA duties. So, in the 15 offices where IIR staff are currently located, EEOC could implement the dedicated intake units with little to no need to hire additional staff. The IIRs would be trained to perform the full range of ISA duties and integrated with existing ISAs and clericals to create dedicated units that handle intake duties from charge inquiries, through filing, and disposition of "C" cases.

The plan contains sufficient career levels of work to help EEOC avoid high rates of turnover. The plan also produces costs savings by not pushing the intake work to GS11-12 investigators. It implements part of EEOC's efforts to reduce the backlog by renewing emphasis on pre-charge counseling. In turn, investigators would be relieved from many of these intake responsibilities and could focus on investigating cases and reducing both the backlog and processing times.

Both staffing efficiencies and working smarter, as described *supra*, need to be part of an effective plan to reduce backlog. Therefore, the Council respectfully requests that report language direct EEOC to finally implement the Full Service Intake Plan.

(2) Make EEOC Flatten Supervisor to Employee Ratio to 1:10 to Increase Frontline Staffing:

More frontline staff is needed to actually reduce the backlog. The Chart at the end of the testimony demonstrates that EEOC's backlog correlates with staffing levels. For instance, in FY08 EEOC investigator ranks shrunk to 646 nationwide, well below the high of 917 last seen in FY00. Meanwhile, the backlog jumped 35% in one year. Conversely, in FY11 with 764 investigators, EEOC trimmed the backlog by 10%, which was the first time the backlog had decreased in 10 years. EEOC's FY13 budget justification estimates that investigator staffing will fall to 713 investigators in FY12. These losses will reverse last year's minor progress on the backlog.

In the event EEOC's budget is restored, it remains critical for EEOC to increase efficiencies that shift resources to the frontline to serve the public. EEOC's FY13 budget estimates that if the requested funding level was authorized, investigator staffing would still remain low at 726.

Any exceptions to the current hiring freeze should be used to hire frontline staff, who serve the public, rather than backfilling or re-employing annuitants in more costly management positions. The Council requests that FY12 language supporting the frontline be included again for FY13:

In order to advance EEOC's backlog reduction goals, the conferees expect the EEOC to prioritize efforts both to address the inventory of private sector charges, such as through hiring or backfilling positions of frontline mission critical staff . . .

In addition to hiring or backfilling, a budget neutral way for EEOC to increase frontline staff is to reduce supervisor to employee ratio. The EEOC is notoriously top-heavy, a point stressed by Republican leadership who pushed for a 2006 field restructuring plan. EEOC's plan promised to improve the staffing ratio to one supervisor for ten employees. While the restructuring, which drew concerns from House and Senate CJS Subcommittees, went forward, improving the staffing ratio of frontline employees remains a broken promise. EEOC should immediately provide this Subcommittee a roster with job titles and numbers for each office and a plan to redeploy supervisors who exceed the 1:10 ratio to the frontline.

(3) Require That EEOC Reduce Rental Costs By Using Voluntary Telework:

EEOC should belatedly heed the Administration's call for efficiency and cost savings, per the Telework Enhancement Act of 2010, by using expanded telework to reduce rental costs. The Council is also aware telework is well supported by the leadership of this Subcommittee. EEOC's Office of Inspector General supports the premise, "we believe the EEOC is in an ideal position to use [frequent] telework [footnote: OIG defines frequent telework as telework scheduled to be performed a minimum of two or more days per week.] to achieve major infrastructure cost savings." Management Advisory on the Potential for Real Estate Cost Savings Through Telework (OIG-2011-02-AEP). In addition, prompted by the President's Telework Initiative, EEOC paid Deloitte Consulting LLP, to examine the benefits and savings using telework. The report notes that use of telework provides direct space savings and reflects on components important for today's workforce – innovation and flexibility. Nevertheless, EEOC continues leasing the same or even greater space, not accounting for the reduction of needed space if employees voluntarily teleworked most days. Missed opportunities for space/rental savings could be shifted to support frontline resources.

Bill Language Should Retain Oversight of EEOC Restructuring:

EEOC's 2006 field restructuring added bureaucratic layers, but no frontline staff. EEOC should revisit the restructuring to fix its worst inefficiencies, such as states that were split between two districts. EEOC has stated in the past that it plans to restructure its headquarters. The intent of HQ and Office of Federal Operation restructuring should be to maximize aid to the frontline work in the field offices, while reducing redundancies and layers of management. The Council urges the Subcommittee to retain bill language regarding oversight of restructuring, because this remains a topical concern. Additionally, Congress should ensure a transparent process for public and internal stakeholders to have an opportunity to provide feedback to a draft plan.

Federal Employees Must Have Rights to Discovery and Full and Fair Hearings before AJs:

EEOC's new strategic plan resurrects a controversial proposal from FY10 to change the Federal hearing process, which would cut off discovery and deny hearings for many Federal employees who claim discrimination in certain employment actions. In these "fast-tracked" cases, the EEOC Administrative Judge (AJ) is forced to accept the investigative record submitted by the agency alleged to have committed discrimination. The Council represents these AJs, who oppose mandatory tracking, because it re-writes the regulations to remove judicial independence and interferes with fair hearings. While the strategic plan now uses the term Federal case categorization system instead of track system, entry fields for "tracks" already appear in the EEOC's IMS data system. In addition, EEOC has resurrected a plan to allow Federal agencies variances from EEO regulations. The Council urges that such pilots provide for complete, timely, impartial investigations, and opt-out rights. Also, outside stakeholders must be given an opportunity to weigh in. Thus, the Council supports including language similar to the FY10 Conference Committee report language requiring oversight before implementation.

Require EEOC to Compensate Its Workers for Willful Overtime Violations:

A Federal Arbitrator determined that between 2006 and 2009, EEOC willfully violated overtime laws and that the remedy was liquidated damages for employees who worked overtime. EEOC should ensure that its operating plan for FY13 projects necessary funding for employee overtime payments for the claims process phase of the arbitration decision that will conclude with the issuance of payment to employees, where appropriate, by the first quarter of FY13.

Conclusion:

In closing, I want to again thank the Chairman, Ranking Member and the Subcommittee for inviting me to testify. I hope my statement provides insight into EEOC's difficult challenges. I urge the Subcommittee to include bill and report language in the FY13 funding measure which: (1) supports additional funding for EEOC, in the amount of \$374M; (2) directs EEOC to backfill frontline staff positions which have been lost and not replaced during the current hiring freeze, which began in January 2011; (3) directs EEOC to implement efficiencies, such as the Cost-Efficient Intake Plan to provide real help to the public; (4) maintains oversight of headquarters and field restructuring, including the Office of Federal Operations; and (5) requires EEOC to finally pay its debt to employees for willfully violating overtime laws since 2006, pursuant to a Federal arbitrator's final decision dated March 23, 2009.

CHART: EEOC'S TROUBLING CUSTOMER SERVICE TRENDS

	FY01	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11
Full Time Employees	2,924	2,787	2,617	2,462	2,349	2,250	2,137	2,174	2,192	2,385	2,454
Investigators	846	829	785	730	711	653	650 est.	646	650	717	764
Backlog	32,481	29,041	29,368	29,966	33,562	39,946	54,970	73,941	85,768	86,338	78,136
% Backlog increase	N/A	-10%	+1%	+2%	+12%	+19%	+38%	+34.5%	+16%	+7%	-10%
Charge Receipts Filed	80,840	84,442	81,293	79,432	75,428	75,768	82,792	95,402	93,277	99,922	99,947
Resolutions	90,106	95,222	87,755	85,259	77,352	74,308	72,442	81,081	85,980	104,999	112,495
Avg. Charge Processing	182	171	160	165	171	193	199	229	294	313	293

Mr. WOLF. Mr. Fernandez, owner of Fernandez Ranch.

THURSDAY, MARCH 22, 2012.

FERNANDEZ RANCH

WITNESS

MAX FERNANDEZ, FERNANDEZ RANCH

Mr. FERNANDEZ. Hello. Thank you for the opportunity to testify.

Mr. WOLF. You are surely welcome.

Mr. FERNANDEZ. My name is Max Fernandez. I was born in Chile. I came to this country in 1960. I got an occupation. I got to be an American citizen in 1968. I been married 43 years. I have a—my wife is a schoolteacher. And I have two daughters, one is a lawyer and the other one is a schoolteacher. I am very happy and thank you, thankful to this country for the opportunity that the country been providing to me and my family.

I purchased a sheep ranch in 1980. The ranch is located in Washington State in Goldendale. My family history and tradition of sheep ranchers came from Spain to Chile in 1897. My ranch is small and, at the moment, I have about 800 head of sheep. At one time, I used to have 3,500, but because of the travel, with the little services, me and many other ranchers we been losing their herds.

I employ two or three sheepherders and they each do a program. And they keep a temporary visa in the United States. I'm not a wealthy man, but I'm proud of my family history, successes, and accomplishments.

I believe legal services continuously misuse government funds and I ask the Committee to defund, to reduce, or place the strict limitations of the funding of the activities of the legal services they use the funds for. I have to defend myself and my ranch against frequent lawsuits brought by the legal services and in no way justice—in no way justice.

In 2002, I was sued by legal services on behalf of two sheepherders and their program. The sheepherders are upset by the U.S. Department of Labor. Legal services choose to ignore the established DOL wage rates and file a lawsuit claiming under the state law that sheepherders were entitled to a different wage. I won every court proceeding and I was forced to—and I went all the way to the Supreme Court. It cost me tens of thousands of dollars to defend myself and to prove that I was right.

Mr. WOLF. Did you win?

Mr. FERNANDEZ. Yes, I did. But, you see, the legal services, every time you win, they keep—

Mr. WOLF. Well, I'll tell you what you do. We appreciate your testimony. We're going to ask you to give us a copy of it and we're going to contact the legal services, president of the Legal Services Corporation, and we will ask them to comment specifically on your case and the circumstances you referenced. And make sure we have your full statement. And we will get back to you to make sure you know what they said.

Mr. FERNANDEZ. You know, not only that, they are suing me again.

Mr. WOLF. Well, you give us the information and——

Mr. FERNANDEZ. I'm over.

Mr. WOLF. Yes, you're over, but don't worry about it. I think you made a good point. Just give us the material——

Mr. FERNANDEZ. I will leave it here.

Mr. WOLF [continuing]. To our staff. Give us anything. And if you want to take a few more days to sort of put anything else together.

Mr. FERNANDEZ. I think it pretty much here and I did send.

Mr. WOLF. I see a lot of writing that maybe we don't——

Mr. FERNANDEZ. Between the wolf and the Legal Services, they are going to exterminate the shepherders in the United States.

Mr. WOLF. Well, we'll check it out. I don't know if I can help you with wolves.

Mr. FERNANDEZ. No, a joke. It's just basically a joke.

Mr. WOLF. Okay. I missed it.

Mr. FERNANDEZ. I will send you.

Mr. WOLF. Yeah.

Mr. FERNANDEZ. Some additional information.

Mr. WOLF. Are you? Who should he—okay. You've got the first team here.

Mr. FERNANDEZ. They complained against me. This is how ridiculous they are. They say that I did have a picture that was offensive in my office, Senator, my wife and myself. It was a picture that——

Mr. WOLF. And what did they say? That this is an offensive picture?

Mr. FERNANDEZ. Yes, sir.

Mr. WOLF. Why do they say it's offensive? Just out of curiosity.

Mr. FERNANDEZ. This is how they use the taxpayers' money.

Mr. WOLF. No, but what was their reason for saying this is offensive? I don't see anything offensive.

Mr. FERNANDEZ. No. They send it to a Department of Labor to investigate it. Seven months. And you know what they found? I'm missing a screen door.

Mr. WOLF. Yes.

Mr. FERNANDEZ. Do you know what it cost me? \$27,000 so far.

Mr. WOLF. Well, we're gonig to get on it and then this gentleman right here, the first team right there, Colin, he'll take care of you.

[The information follows:]

TESTIMONY
of
Max Fernandez
Before the
Committee on Appropriation
Subcommittee on Commerce, Justice, Science and Related Agencies

I present this written testimony to the House Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies.

The testimony is presented to the Committee for use during its consideration of the request to continue funding of Legal Services. I believe Legal Services continually misuses the government funding and urge the Committee to (1) de-fund Legal Services, (2) reduce the funding, or (3) place strict limitations on the use of the funding and activities of legal services for which the funding can be used.

I have had to defend myself and my ranch against lawsuits brought by Legal Services, the Northwest Justice Project.

In 2002 I was sued by Legal Services on behalf of two sheepherders. Under the H2A program sheepherders are paid wages set by the U.S. Department of Labor. Legal Services chose to ignore the established DOL wage rate and filed a lawsuit claiming under state law that the sheepherders were entitled to different wages. I won at every court proceeding. See *Berrocal v. Fernandez*, 120 Wn.App. 555 (Div. III, 2004); *Berrocal v. Fernandez*, 155 Wn.2d 585 (2005). I was forced to spend tens of thousands of dollars to defend myself and prove I was right. The worker got free legal services. I had no way to recover the costs or fees.

The difficulty is that Legal Services tried to circumvent a clear determination of appropriate wages by the U.S. Department of Labor by calling the claim something else. I believe this is an attempt by legal services at "social engineering" in an effort to better the conditions of workers, rather than a claimed violation of the wage and hour law.

Today I am facing another lawsuit brought by Legal Services on behalf of three sheepherders. Legal Services claims that I did not pay the wages required by the U.S. Department of Labor and that I did not meet the requirements of employment mandated by the Department of Labor. It is important to note that Legal Services first raised this same allegations to the U.S. Department of Labor who investigated and found I had done nothing wrong. Unhappy with the result, Legal Services sues and I am again forced to defend myself against three sheepherders who pay nothing for legal

services and the funding for legal services comes through my tax money. The Immigration Act does not allow Legal Services to bring a private cause of action, so Legal Services re-characterized the claim, and brought suit.

The three workers abandoned their jobs and are in this country illegally. The H2A visa requires them to return to their home country when their employment ends, whatever the reason. They have not done so and Legal Services knows where they are and continues to assist them.

Those same workers, who remained in this country illegally, have brought a lawsuit against the U.S. Department of Labor challenging the H2A program. *Mendoza, et al v. Hilda Solis and U.S. Dept. of Labor*, U.S. District Court, District of Columbia No. 1:11-CV-07190-BAH. Once again, Legal Services is representing them.

Legal Services is not truly interested in representing individual cases, but is interested in advancing their own social causes. During the investigation of the claims brought to the U.S. Department of Labor, the Legal Services attorney admitted that the purpose of the claims was to "...obtain permanent residency for the workers". (Attachment 1)

When the lawsuit was filed I called Legal Services and spoke to the attorney handling the case. I told her I was an immigrant from Chile and needed help in a lawsuit. The attorney declined, stating that she would not help because I came here legally, they only represent illegals.

I believe that Legal Services abuses its position and the funding it receives.. I encourage the Committee to conduct further investigation into these abuses and to de-fund Legal Services or to impose strict limitations on the use of the funds.

The illegal worker is provided everything for free and spends nothing. Legal Services even assists the workers to circumvent the immigration laws to allow them to remain in this country. Again, there is no cost to the worker. An agricultural employer, like me, must spend a considerable amount of money to defend themselves and prove they are right . There is no ability to recover those costs against Legal Services.

Legal Services is not representing individuals in legitimate claims, they are working to advance social causes. That is wrong and must be stopped.

Mr. WOLF. We've added two more witnesses. Wendy McClanahan, senior vice president. Sure.

The last shall be first and the first shall be last. Okay. This gentleman here. Go ahead.

THURSDAY, MARCH 22, 2012.

PUBLIC/PRIVATE VENTURES

WITNESS

WENDY McCLANAHAN, SENIOR VICE PRESIDENT, PUBLIC/PRIVATE VENTURES

Ms. McCLANAHAN. Chairman Wolf, Ranking Member Fattah, and other members of the Subcommittee, thank you for inviting me and Public/Private Ventures to speak before you today to inform you of our funding priorities for fiscal year 2013.

PPV is a national nonprofit organization that partners with other organizations around the nation to help them improve their effectiveness in serving young people in transitioning them successfully to adulthood. We have a long history of work with the Justice Department. Beginning in 2003, PPV developed and evaluated a prisoner reentry demonstration program called Ready For Work that formed the basis for the Second Chance Act for the PRI and, also, for—

We also develop and manage the Amachi mentoring coalition, a program that provides mentoring to families that have an incarcerated parent and to their children, and, also, to children of military families. And, more broadly, we've evaluated and provided technical assistance to hundreds of other programs over the years, striving to identify what works and what does not.

My recommendations today are steeped in that history. I'd like to focus on the proposed innovated pay for success funding initiative within the Department of Justice. In the 2013 budget proposal, a total of \$110 million is requested for eight Pay For Success grant programs across four agencies, including \$20 million set aside for the pilot programs within the Second Chance Act grant.

The Office of Justice Programs will, however, support the initiative in this year's Second Chance Act grant competition. The Pay For Success pilots will be a critical test in how Justice and others support programs for their success. No longer is simply proving that a program works enough. Strong and impact the programs require that organizations manage and improve their own performance in an ongoing, an iterative way, yet few organizations have capacity or expertise in this area. Thus, for Pay For Success models to be successful, Justice must focus not only on measuring program impacts or outcomes but, also, on providing these agencies with performance management support, supports which have been historically underfunded and under attended to, both by funders and programs alike.

If grantees in this pilot effort are to perform well, they need to focus on how they are implementing their programs, they need to get back to the basics, so to speak, by focusing on the essential components of program implementation, such as ruling the right

participants, delivering services with quality, and using real time data to make real time program adjustments.

We are strongly in support of the Pay For Success approach and encourage Congress and Justice to shape it in a way that maximizes its success and assures the most responsible stewardship of taxpayer dollars. This can be done by employing the following three principles.

First, ensure that high quality data are collected and used for programs and organizational improvement. Identifying program impacts is not enough to keep programs delivering success services.

Secondly, set appropriate performance targets. Justice and other agencies should support program targets that are consistent with realities on the ground and formed by research and evidence and guided by agencies who are themselves providing the services.

Thirdly, support meaningful evaluation as part of the Pay For Success effort, only invest in the valuations that offer operational lessons, and only conduct a test of the model when the timing is right. Our experience with Amachi and other efforts indicates that providers generally can't do this alone. A growing body of evidence indicates that skilled intermediary organizations like PPD and others can be critical partners because we provide hands-on experience and our work is grounded in decades of expertise.

In closing, public sector leadership is needed to elevate the importance of performance management and program improvement to ensure that Pay For Success is successful and good money doesn't follow bad. Thank you.

Mr. WOLF. Thank you very much for your testimony. I appreciate it. Mr. Fattah.

Mr. FATTAH. Thank you for your testimony and I'm well aware of the great work that your organization does. Thank you.

Mr. WOLF. Thank you.

[The information follows:]

Statement of Nadya K. Shmavonian

President of Public/Private Ventures

before the

House Committee on Appropriations

Subcommittee on Commerce, Justice, Science and Related Agencies

March 22, 2012

Chairman Wolf, Ranking Member Fattah and other distinguished members of the subcommittee, thank you for inviting Public/Private Ventures (P/PV) to inform the Department of Justice's (Justice) funding priorities for FY 13. My testimony focuses on recommendations for ensuring the success of the Pay-for-Success pilot within the Second Chance Act.

P/PV is a Philadelphia-based national nonprofit that partners with organizations to improve outcomes for youth and young adults transitioning to adulthood. We have a long-standing track record of research, evaluation and program development in the fields of workforce, reentry and mentoring. Many of these efforts have been supported by Justice. For example, in 2003, P/PV developed and evaluated Ready4Work, a 17-site reentry demonstration that provided services—including case management, job training and placement, mentoring and education—to nearly 5,000 participants across the country. This work laid the foundation for subsequent federal investment in reentry services, including the Second Chance Act in 2008 as well as the Prisoner Reentry Initiative (PRI) and, most recently, the Reintegration of Ex-Offenders (RExO) program. In addition, for the last 12 years, we have served as the intermediary agency for the Amachi Mentoring Coalition—a program that provides mentoring services to children of prisoners and now, under a new Justice grant, children of military families. To date, more than 300,000 children have participated in Amachi programs in all 50 states.

Through this and other work with program providers across the country, we have seen a need—and appetite for—services that can help these nonprofits manage and improve their own performance internally in an ongoing way. As one example, over the last seven years, we have engaged more than 330 workforce development organizations who have *voluntarily* submitted data on an extensive range of measures, such as recruitment, retention, employment and earnings, so they could see their how their results stack up against their peers and make associated changes in program activities.

While we applaud the increased use of research evidence (e.g., results of random control trials or quasi-experimental studies) in making the best use of scarce federal dollars, the large investment in research evidence has unfortunately not produced a large number of programs that can implement research-based strategies reliably, sustainably and at high levels of quality.

Thus, we believe it is now time to focus more resources on providing social service agencies with high-quality performance management support—which has historically been dramatically underfunded and underattended. For example, most organizations need assistance with:

- Clarifying goals and objectives;
- Specifying and managing the enrollment of targeted individuals and groups;
- Delivering programs at their intended dosage, frequency and duration;
- Monitoring participants' incremental progress toward target outcomes;
- Collecting performance data and converting that data into actionable "real-time" information; and
- Using that information to make targeted adjustments in service delivery approaches.

Unfortunately, too few funders support such efforts, as it is the slow, hard work of implementation. Public sector leadership is needed to elevate the importance of performance

management and improvement, given that coupling strong performance management and implementation of research-based practices is the only way we can collectively ensure that good money doesn't follow bad. Agencies such as Justice can help fill an enormous gap between what organizations need and what funding is available, while generating new knowledge about the efficacy of this type of assistance.

While performance improvement work is critical, it does not replace the need for external evaluation—particularly formative evaluation—that can provide field-wide lessons about program implementation. Independently conducted formative evaluations can provide policymakers and funders with vital information about programs' costs and benefits; how programs operate; and how faithfully programs are implementing research-based practices and/or established program models.¹

Justice's Pay-for-Success pilot project within the Second Chance Act offers a unique opportunity to combine these two critically importance approaches. Based on our experience, we recommend the following:

- **Ensure data are well defined, collected and used for improvement.** Even mature fields of practice face the challenge of different definitions of outcomes (e.g. what "counts" as a job placement—one day on the job, one week, one month?). And many organizations lack the capacity to collect good performance data—much less use it. Justice should support the forums (which must include facilitated work with provider agencies) and the infrastructure necessary to ensure that the right data is being collected and analyzed across Pay-for-Success programs—data that can actually be used to improve implementation.
- **Set appropriate performance targets.** P/PV's aforementioned workforce benchmarking project has revealed a considerable disconnect between the performance expected of organizations and what they are realistically able to deliver for the resources provided. Justice should support performance targets that are consistent with realities on the ground; informed by research and evidence; and again, guided by input from the agencies who are providing services.
- **Support meaningful evaluation.** The window for outcomes in Pay-for-Success pilots is narrow—generally, only two years. While experimental designs are generally favored, given their ability to most accurately detect the true impact of a program, we feel a formative evaluation that offers operational lessons and contextualizes results would be a more appropriate methodology at this stage to ensure a fair test of the model.

While we are strongly in support of this innovative pilot project, we encourage Congress and Justice to shape it in a way that maximizes success and ensures the most responsible stewardship of taxpayer dollars.

Finally, as Justice works to better support implementing agencies, whether in Pay-for-Success pilots or other programming that engages social service providers, we encourage Justice and Congress to support expanded partnerships with intermediary organizations. A growing body of evidence indicates that skilled intermediary organizations can be critical partners in improving provider performance, and there is growing federal precedent for the use of intermediaries. Most notably, the Social Innovation Fund at the Corporation for National and

Community Service—a \$50 million program that made its inaugural awards in 2010—grants resources through 16 intermediaries, who in turn subgrant to over 150 nonprofit community-based organizations.

Beyond funding, intermediaries support subgrantees by providing expert advice; implementation assistance; access to peer-generated knowledge; evaluation services; and importantly, feedback to both public and private funders that can guide future program and funding decisions. Although the ultimate goal is to build the capacity of nonprofit organizations to collect and use data on their own, intermediaries can play a critical technical assistance and management role in helping providers achieve self-sufficiency.

Thank you again for the opportunity to speak to the subcommittee today.

ⁱ Walker, Karen E, and Kristin Anderson Moore. 2011. *Performance Management and Evaluation: What's the Difference?* Child Trends; Washington, DC. Retrieved from: http://www.childtrends.org/Files/Child_Trends-2011_01_19_RB_PerformMgmt.pdf

Mr. WOLF. Our last witness, Richard Hill. Mr. Hill.

THURSDAY, MARCH 22, 2012.

HILL EQUIPMENT CORPORATION

WITNESS

RICHARD HILL, FORMER PRESIDENT/OWNER, HILL EQUIPMENT CORPORATION

Mr. HILL. Thank you for allowing me to testify.

Mr. WOLF. Yes, sir.

Mr. HILL. My name is Richard Hill. I formed Hill Equipment Corporation at 2416 Delaware Avenue in Kennard, Louisiana. I incorporated around 1967 and I had that business until about 1978. Excuse me, 1989. At which time I was thrown in jail in the State of Florida 16 times on bogus domestic charges. This caused me to lose \$3 million in assets in these businesses that I had built.

Okay. There never was any domestic violence. The reason for this occurring I allege was that the space shuttle Columbia was sabotaged. Equipment similar to what I had sold to NASA was used to sabotage the space shuttle Columbia. And the Columbia, excuse me, there are 12 instances of foam shedding, foam strikes, on these shuttles.

There are two sources I allege of foam shedding. The first source was caused by the elimination of the protective coating on the main tank. Originally, it had a protective coating over it that kept the foam from popping off. Okay. For some reason, it was eliminated.

Okay. The sudden source of foam shedding, which I allege is sabotage, emanated from the left bipod. Okay? All foam strikes that hits the space shuttles came from the left bipod. And I allege that a foreign object or some way that foam was altered to make it happen. Okay?

Ten of the foam strikes occurred to the Columbia. Two of them occurred to the Atlantis and some other shuttle. I don't know which. Okay? For internal reasons, the main tanks are consumed upon reentry and are built for each mission. Okay? And they are dedicated at the time of the construction for a particular shuttle.

For internal reasons, sometimes the Columbia-NASA will switch shuttles and, if those two other foam strikes that occurred on the Atlantis and the other, whichever one the other was, were originally dedicated to the Columbia. That's a smoking gun right there. Okay?

The person who ordered the removal of the protective coating from the foam from the tanks is definitely a person of interest. Why did he do it? Okay. There's only one reason. To cover up sabotage. It was a diversion. Okay?

This, in turn, provides the motive for the assassination of John F. Kennedy. Okay. When Kennedy was assassinated, there were a total of five assassinations. The first two assassinations were the brother of the president of Vietnam and the president of Vietnam. Then Kennedy was assassinated, all within three weeks of each other. Okay?

The fourth assassination was a Lee Harvey Oswald look-alike. That wasn't Lee Harvey Oswald. Lee Harvey Oswald is five foot

eleven, had surgery that had a hole drilled in the back of his skull, and there was no sign of that in the autopsy. And the guy they autopsied was five foot nine. And, anyway, the guy couldn't have shot Kennedy. Kennedy's shot, the head shot at Kennedy came from the front, not the back as alleged in the Warren Commission report.

What I ask is that a congressional investigation reopen again, because there was already one congressional investigation on the Kennedy assassination. But based on new evidence, a congressional investigation be opened into the Kennedy assassination and its relation to the sabotage of the space shuttle Columbia and the attempted sabotage of the space shuttle Discovery. Okay?

The first country to put a laser cannon in orbit on the surface of Mars will rule Mars. The first country to put a battery of laser cannons on Mars will rule the earth. Laser cannons already exist and they can shoot clear across the universe. Right now, the Russians and the Chinese have control of outer space. That's what the Chinese military called focal graft. Okay? That's it.

Mr. WOLF. Okay. Well, thank you very much for your testimony. I appreciate it.

Mr. FATTAH. Thank you for your testimony.

[The information follows:]

SUBJECT:

**WRITTEN TESTIMONY OF RICHARD NEWTON HILL, JR., FORMER PRESIDENT/OWNER
OF HILL EQUIPMENT CORP., 2416 DELAWARE AV., KENNER, LOUISIANA
CURRENT ADDRESS: 1960 EMMITSBURG RD., GETTYSBURG, PA. 17325
U.S. HOUSE OF REPRESENTATIVES SUB COMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED
AGENCIES**

REGARDING THE AGENCY NASA

**THE ALLEGED ATTEMPTED SABOTAGE OF THE SPACE SHUTTLE DISCOVERY AND THE SABOTAGE OF
THE SPACE SHUTTLE COLUMBIA**

MATTERS VITAL TO OUR NATIONAL DEFENSE!

SPACE SHUTTLE DISCOVERY'S MAIN TANK – CALL IT WHAT IT WAS – SABOTAGE!

**THE MAIN TANK WAS A CRIME SCENE; IT SHOULD HAVE BEEN SHIPPED BACK TO NEW ORLEANS AS EVIDENCE
FOR THE PROSECUTION OF THE SABOTUERS AND FOR FURTHER INVESTIGATION!**

TO HAVE USED THIS TANK IN THE DISCOVERY'S LAUNCH WAS "DESTRUCTION OF EVIDENCE"

When provided with the Method, Means and Motive of a crime the prosecuting authorities are obligated by law to arrest and prosecute the criminals for what they are – COLD BLOODED MURDERING TRAITORS TO THIS COUNTRY AND TO THE PEOPLE THAT ELECTED THEM!

ALLEGATIONS

METHOD: The same organized crime groups involved in the assassination of President John F. Kennedy, Robert Kennedy, the sabotage of the Space Shuttle Columbia, the assassination of her crew, my 16 bogus arrests and incarcerations in Florida, Adam Daniel Hill's current incarceration in Imperial Polk County, Florida in an attempt to either draw me back to Florida or failing that murder him to "get rid of the evidence" and a host of other crimes;, contractors at NASA, MICHOUD, New Orleans, Louisiana, by use of bribery, blackmail and corruption perform these acts of treason and sabotage. (See www.sabotagecolumbia.info and www.sabotagecolumbia.com)

Means: contractors provide 94 off specification defective stringers (re-enforcement ribs) necessary to keep the main tank from blowing up during launch (see <http://www.space.com/10608-space-shuttle-discovery-launch-date.html>). These were only found because the launch was delayed by a hydrogen leak upon filling the tank.

MOTIVES: There are a multitude of motives, business, military and political:

1. **BUSINESS MOTIVE:** To drive the final nail into the coffin of the Space Shuttle Program and enhance the Orion Space Capsule now being made at the same NASA Michoud, New Orleans, Louisiana Facility (see http://www.space-travel.com/reports/Lockheed_Martin-Ships_Out_First_Orion_Spacecraft_999.html).
2. **MILITARY MOTIVES:** To make sure the Russian Buran type Space Shuttle has no competition in the race to Mars. The Buran type Shuttle is presently equipped with 4 large turbo-jet engines enabling to take off and land under its' own power. (see http://www.k26.com/buran/Info/A_Comparison/Visual_Comparison_/visual_comparison.html)
3. By substituting rocket engines for the turbo-jet engines the Russians, I allege, already have a space craft capable of landing and taking off from the Moon or Mars! The Russian President Dmitry Medvedev now states that Russia needs to develop its' own space program to go to Mars. (see http://www.spacedaily.com/reports/Medvedev_Calls_For_Russian_Space_Exploration_Program_999.html)

CLEARLY STATED –

THE FIRST COUNTRY TO PUT A LASER CANNON IN ORBIT OR ON THE SURFACE OF MARS WILL RULE MARS.

THE FIRST COUNTRY TO PUT A BATTERY OF LASER CANNONS ON MARS WILL RULE THE EARTH!

LASER CANNONS ALREADY EXIST AND CAN SHOOT CLEAR ACROSS THE UNIVERSE!

POLITICAL MOTIVES AND ALLEGATIONS: Edwin Edwards, the former Governor of the State Of Louisiana and successor to Louisiana Governor John J. McKeithen, both who allegedly participated in the Kennedy Assassinations or the cover up thereof, has currently been released from prison and serving the remainder of his sentence on probation at his daughter's house in Denham Springs, Louisiana. I allege Edwards is a participant in the cover up of, the sabotage of the Space Shuttle Columbia and the assassination of her crew in this protracted warfare!

The original launch date for the Space Shuttle Discovery was November 5, 2010. If the launch had occurred on this date, Edwards would have had the perfect alibi again of being in prison during this planned sabotage as well as for the sabotage of the Space Shuttle Columbia!

BACKGROUND INFORMATION

From 1981 to 1984 I lived with Benita Peccochenino Hoffmann; currently residing at 326 Ellerbe Ridge Dr., Shreveport, La. 71106; whose daughter, Donna Hoffmann Edwards is married to the nephew of then Governor Edwin Edwards. In 1981 Benita invited me to Shreveport to meet her children and their husbands over the weekend which I did. After meeting them, she asked me to stay over to Monday and meet Marion Edwards, brother of then Governor Edwin Edwards. I was preparing to move my business headquarters to Dallas, Texas and had no interest in Louisiana Politics. I declined the offer while questioning her as to why Governor Edwin Edwards brother and not the governor himself? She replied: "Edwin Edwards and his son Stephen are not smart enough to run the family businesses so they have agreed to take a "fall" while Marion and his son, her son-in-law, Joey Edwards ran the family businesses!"

Benita's deceased father, an Italian immigrant, had been the head of the Mafia in Cairo, Illinois and the Edwards's family business, I allege, is the selling of drugs such as cocaine, etc.!

This is "Protracted Warfare"! Benita had been sent to me by the Louisiana Mafias with the consent of her in-law, Governor Edwin Edwards to gain control of my business in preparation of the sabotage of the Space Shuttle Columbia. By the time the sabotage occurred records would have been forged laying the blame of the sabotage on me!

SABOTAGE OF THE SPACE SHUTTLE COLUMBIA IS A MATTER VITAL TO OUR NATIONAL DEFENSE!

There are two (2) sources of foam shedding-

1. NASA's first space shuttle launch was November 12, 1981. This coincides directly to the time that Environmental Protection Agency came out with guidelines forcing manufacturers of urethane to cease using procedures they had been using to make urethane and forced them to come up with alternative formulas. This was disastrous for many years in private sector, as new formulations would not hold up in heat, sunlight, etc. Voluminous Space Shuttle foam shedding was product of this EPA ruling and the lack of a protective outer coating of paint on the foam. This in turn was used to deem the Space Shuttles as "**UNSAFE**" and scheduled for retirement without replacement vehicle available. This 1st area of foam shedding was "diversion" to cover up the 2nd source of foam shedding which was sabotage! Elimination of protective coating of paint over the foam in later flights has aggravated this situation and whoever ordered the removal of this protective coating should be considered another "person of interest".

2. The 2nd source of foam shedding, which caused total of 12 foam strikes emanates from left bipod was sabotage! By foreign objects being placed under the foam or foam integrity was somehow tampered with at NASA Michoud, New Orleans, using personnel elevators, the same type as I sold to NASA for the installation of instruments in a "sister silo" in the foam spray silo. All recorded foam strikes, including, but not limited to, ones on Challenger and Atlantis, are from foam coming from left bipod area. Personnel elevators in the foam application silos are offset to the left, therefore, Saboteurs or Accomplices could have worked without fear of being observed. These left offset platforms are the "**Smoking Guns!**" There is no reason for these platforms to be offset except for concealment to commit sabotage. There is no record of foam strikes from right bipod area. All incidents, with exception of two, occurred on the Columbia. The name of the Vice President Of Sales at Champion Hoist was Jerald C. Kirkman, approximate age today is 81, current address 7163 Tournament Dr., Saint Louis, MO 63129-5298. Mr. Kirkman is the person who informed me of the NASA MICHoud order and accompanied me to NASA MICHoud to introduce me to the personnel necessary to secure the order which had already been laid out by Kirkman with the platform offset to the right!!

3. CAIB report states there was no evidence of sabotage. Yet, CAIB report cannot explain strikes of foam from left bipod only, and the reason for Columbia receiving 10 of the 12 hits on the Shuttles! External fuel tanks are expendable and burn up upon reentry after use. The external fuel tanks are dedicated at time of manufacture to particular shuttle. For internal NASA reasons sometimes a different shuttle is assigned after the manufacture of the external main tank. A records search may prove that these two exceptions were originally intended for the Columbia. If the records search proves this to be correct there is no question this was sabotage and was planned before the Space

Program was even started, as a form of "Protracted Warfare" by the Russians and Chinese. This is the prime motive behind the assassination of President John Fitzgerald Kennedy by Russia, the PLA, communist bloc countries and their "Organized Crime" cohorts. Communists have rightfully concluded if they control space, they will control the world. (see 2nd open letter to STRATCOM and its' amendment at www.sabotagecolumbia.info).

THE MOTIVES FOR THE SABOTAGE OF THE SPACE SHUTTLE COLUMBIA!

Destruction of the Columbia and loss of her crew was the reason that President George W. Bush gave for scheduling Shuttles for retirement during his presidency! Prior to the alleged sabotage of the Columbia, NASA had planned to deploy Space Shuttles until 2022! Because of President George W. Bush's original order, Shuttles are being retired after mission STS-133.

The original arrangement was to continue until private industry had finished developing now non-existent and unnecessary Space Shuttle. The now defunct Orion was scheduled to be ready in 2014. The International Space Station originally planned life expectancy was just to 2015! When one realizes sabotage was at work, it doesn't take much imagination to realize that we will be permanently dependant on the Russians to travel to the I.S.S. and then Mars!

The U.S. is now totally reliant on Russian Soyuz Space capsule and Russian Rocket Delivery System to reach the "Strategic Focal Ground" of the I.S.S. President Obama has already purchased 24 passages on future Russian Launches to the Space Station for U. S. Astronauts and Congress is approving purchase of one Soyuz Space Capsule.

I allege a "deal" was struck to turn control of outer space over to the Russians an Chinese while the so called "Free World" is turned into a police state run by organized crime.

This in turn provides the primary motive for the assassination of President John F. Kennedy, not as alleged by the Lee Harvey Oswald theorists, but by a gargantuan consortium of "organized crime" members, members of the U.S. body politic which includes remnants of the WWII German Waffen SS, the Russian KGB, the CIA, the U.S. Secret Service and the Chinese PLA.

In order to put this plan into action I allege the following assassinations took place-

1. South Vietnam President Ngo Dinh Diem and Assassinated November 2, 1963 in a coup alleged to be CIA orchestrated.
2. Assassinated at the same time, his brother Ngo Dinh Nhu, head of the Vietnamese ARVN Army. Both were assassinated less than three weeks before the assassination of President John F. Kennedy.
3. President John F. Kennedy: Assassinated on November 22, 1963, just as he was getting deeply involved in the Vietnam conflict. The above three assassinations occur less than three weeks apart.
4. Lee Harvey Oswald: Assassinated November 24, 1963 the alleged assassin of President Kennedy, but most likely, A look alike patsy who had minimal knowledge of what was transpiring. Oswald was 5'11", the person assassinated was 5'9". Oswald had ear surgery that required a hole to be drilled into his skull. There was no sign of that in the autopsy. This man was an alleged expendable Russian spy! This is the 4th related assassination within 3 weeks time!

5. JACK RUBY: January 3, 1967 dies of cancer. The assassin of the Lee Harvey Oswald double, who may or may not have had cancer prior to the assassination of Oswald. Whatever the case, I allege the cancer was precipitated and hastened to its' end while Ruby was incarcerated to "Silence Him Forever." I allege that Jack Ruby was another expendable spy! (Jack Ruby's real name is Rubenstein and I further allege his assassination was necessary to cut the ties to the Jewish Mafia!)
6. Robert F. Kennedy: Assassinated in 1968 while running for President. Robert Kennedy had been his brother, John F. Kennedy's closest ally. If Robert Kennedy had become president he surely would have brought the true assassins to justice! Robert F. Kennedy had been the US Attorney General during his brother's administration and vigorously attacked "Organized Crime," the extension of the "PLA" during his tenure. Sirhan Sirhan, the alleged assassin had a 5 shot revolver. There were 11 bullet holes found at the scene of the crime.

Here we have Six Assassinations of key men, four of which occurred within 24 days of each other, all during the Vietnam War era. Two of the assassinations occur on the opposite side of the Globe thus minimizing their clarity of purpose! A tremendous shift in power has occurred with relative ease. The shift in power is so unobtrusive that it goes unnoticed by the American Public. If this is not foreign governments [CHINA] changing the course of events through assassinations, I do not know what else it could be called!

I, Richard Newton Hill, Jr., with explicit reservation of rights, having clean hands, declare in good faith to be of age of majority, one capable of making above affidavit according with said above. Further, I certify under penalty of perjury under the laws of the United States of America that the foregoing affidavit is true and correct, 28 USC § 1746 (1), to best of my knowledge, except as to matters stated to be on information and belief, and as to those, believe those to be true; acknowledged and executed this Eleventh Day of March, A.D. Two-thousand Eleven.

Richard Newton Hill, Jr.
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Gettysburg, Pa. 17325
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Mr. FATTAH. Thank you for this hearing, Mr. Chairman.
Mr. WOLF. Thank you. Have a nice weekend.

**STATEMENTS SUBMITTED
FOR THE RECORD**

**AGI Fiscal Year 2013 Testimony to the House Commerce, Justice, Science,
and Related Agencies Appropriations Subcommittee**

Testimony Submitted by Wilson Bonner, Policy Associate and Linda Rowan, Director,
Geoscience Policy
American Geosciences Institute
in support of Fiscal Year 2013 Appropriations for the
National Science Foundation, National Oceanic and Atmospheric Administration,
National Institute of Standards and Technology and the National Aeronautics and Space
Administration

U.S. House of Representatives
Subcommittee on Commerce, Justice and Science and Related Agencies Appropriations
March 19, 2012

To the Chairwoman and Members of the Subcommittee:

The American Geosciences Institute (AGI) supports Earth science research sustained by the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA), the National Institute of Standards and Technology (NIST) and the National Aeronautics and Space Administration (NASA). Frontier research on the Earth, energy, and the environment has fueled economic growth, mitigated losses and sustained our quality of life. The Subcommittee's leadership in supporting geoscience-based research is even more critical as our nation competes with rapidly developing countries, such as China and India, for energy, mineral, air and water resources. Our nation needs skilled geoscientists to help explore, assess and develop Earth's resources in a strategic, sustainable and environmentally-sound manner and to help understand, evaluate and reduce our risks to hazards. **AGI supports the President's budget request of \$7.373 billion for NSF, \$859.75 million for NIST, and \$1.785 billion for Earth Science at NASA plus \$5.3 billion for NOAA.**

AGI is a nonprofit federation of 50 geoscientific and professional societies representing more than 250,000 geologists, geophysicists, and other Earth scientists. Founded in 1948, AGI provides information services to geoscientists, serves as a voice for shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role the geosciences play in society's use of resources, resilience to hazards, and the health of the environment.

NSF: AGI supports an overall budget of \$7.373 billion for NSF. AGI greatly appreciates Congress's support for science and technology in recent appropriations and through the America COMPETES Reauthorization Act of 2010. The forward-looking investments in NSF are fiscally responsible and will pay important dividends in future development that drives economic growth, especially in critical areas of sustainable and economic natural resources and reduced risks from natural hazards. Support for science will save jobs, create new jobs, support students and provide training for a twenty first century workforce.

NSF Geosciences Directorate: The Geosciences Directorate (GEO) is the principal source of federal support for academic Earth scientists and their students who are seeking to understand the processes that sustain and transform life on this planet. About 63 percent of support for university-based geosciences research comes from this directorate and more than 14,600 people will be directly supported through GEO in FY 2013 with thousands of others deriving support indirectly.

The President's request for FY 2013 asks for \$264 million for Atmospheric and Geospace Sciences, \$189 million for Earth Sciences, \$362 million for Ocean Sciences and \$91 million for Integrative and Collaborative Education and Research (ICER) within GEO. Much of the geosciences research budget is for understanding that is critical for current national needs, such as water and mineral resources, energy resources, environmental issues, climate change, and mitigation of natural hazards. AGI asks the Subcommittee to strongly support these funding levels.

GEO supports infrastructure and operation and maintenance costs for cutting edge facilities that are essential for basic and applied research. Ultimately the observations and data provide knowledge that is used by researchers and professionals in the public, government and private sector. GEO research and infrastructure helps drive economic growth in a sustainable manner. Geoscience-based research tools and academic expertise helped to end the BP Deepwater Horizon oil spill, saving billions of dollars for industry and untold costs to the environment. Research funding continues to help the Gulf coast recover environmentally and economically.

Among the major facilities that NSF supports, the Academic Research Fleet would receive \$73 million, EarthScope Operations would receive \$26 million, Incorporated Research Institutions for Seismology (IRIS) would receive \$11 million, Ocean Drilling Activities would receive \$39 million, the Ocean Observatories Initiative would receive \$40 million, and the National Center for Atmospheric Research (NCAR) would receive \$92 million. AGI strongly supports robust and steady funding for infrastructure and operation and maintenance of these major facilities.

NSF's Office of Polar Programs (OPP) funds basic research in the Arctic and Antarctica that helps the United States' maintain strategic plans, international efforts, security goals, natural resource assessments, cutting-edge polar technology developments and environmental stewardship of extreme environs. OPP's funding helps support researchers and students, the U.S. military, and the private sector. OPP is estimated to directly support almost 3,325 people in FY 2013 and thousands of others indirectly. AGI supports the President's request of \$449.7 million for this important program.

NSF Support for Earth Science Education: Congress can grow the depleted geosciences workforce; stimulate economic growth in the energy, natural resources and environmental sectors; and improve natural resource literacy by supporting the full integration of Earth science information into mainstream science education at the K-12 and higher education levels. AGI strongly supports the Math and Science Partnerships (MSP), the Graduate Research Fellowships (GRF) and the Research Experiences for

Undergraduates (REU) within NSF's Education and Human Resources Division. These programs are effective in building a science and engineering workforce for the twenty first century.

Improving geoscience education, one of the goals of NSF-EHR, to levels of recognition similar to other scientific disciplines is important in the following ways:

- Geoscience offers students subject matter that has direct application to their lives and the world around them, including energy, minerals, water and environmental stewardship. **All students should be required to take a geoscience course in primary and secondary school.**
- Geoscience exposes students to a range of interrelated scientific disciplines. It is an excellent vehicle for integrating the theories and methods of chemistry, physics, biology, and mathematics. A robust geoscience course would make an excellent capstone for applying lessons learned from earlier class work.
- Geoscience awareness is a key element in reducing the impact of natural hazards on citizens -- hazards that include earthquakes, volcanic eruptions, hurricanes, tornadoes, and floods. Informal geoscience education that leads to reducing risks and preparing for natural events should be a life-long goal.
- Geoscience provides the foundation for tomorrow's leaders in research, education, utilization and policy making for Earth's resources and our nation's strategic, economic, sustainable and environmentally-sound natural resources development. There are not enough U.S.-trained geoscientists to meet current demand and the gap is growing. Support for geoscience research and education is necessary to stay competitive and to wisely manage our natural resources.

NOAA: AGI supports a budget of \$5.3 billion for NOAA, which is consistent with the request of other stakeholders and more than the President's request of \$5.061 billion. We hope the Subcommittee will continue to support the National Weather Service (NWS); Oceanic and Atmospheric Research (OAR); National Ocean Service (NOS); and the National Environment Satellite, Data and Information Service (NESDIS). These programs are critical for understanding and mitigating natural and human-induced hazards in the Earth system while sustaining our natural resources. These programs prevent billions of dollars of losses, keep the private and public sectors growing, and save lives. For example, drought forecasts are worth up to \$8 billion to the farming, transportation, tourism and energy sectors while NexRad radar has prevented more than 330 fatalities and 7,800 injuries from tornadoes since the early 1990s. The additional request of AGI and stakeholders would bring NWS, OAR and NOS back to FY2010 levels, while supporting non-procurement needs in NESDIS.

NIST: We support the President's request of \$860 million for NIST in fiscal year 2013. Basic research at NIST is conducted by Earth scientists and geotechnical engineers and used by the public and private sector on a daily basis. The research conducted and the

information gained is essential for understanding climate change and natural hazards in order to build resilient communities and stimulate economic growth with reduced impact from risk. In particular, we support Measurements and Standards to Support Increased Energy Efficiency and Reduced Environmental Impact and Measurements and Standards to Support Advanced Infrastructure Delivery and Resilience. Energy efficiency and reduced environmental impact research will improve the health of our planet and reduce energy costs. The advanced infrastructure research will help to reduce the estimated average of \$52 billion in annual losses caused by floods, fires and earthquakes.

NIST is the lead agency for the National Earthquake Hazard Reduction Program (NEHRP), but has received only a small portion of authorized and essential funding in the past. AGI strongly supports the reauthorization of the National Earthquake Hazards Reduction Program (NEHRP) in 2012. We hope the appropriations subcommittee will continue to support this effective and cohesive program, even if the authorizing legislation takes more time to complete. NEHRP is an excellent example of how to coordinate different entities for the safety and security of all. NEHRP develops effective practices and policies for earthquake loss reduction and accelerates their implementation; improves techniques for reducing earthquake vulnerabilities of facilities and systems; improves earthquake hazards identification and risk assessment methods and their use; and improves the understanding of earthquakes and their effects.

NASA: AGI supports the vital Earth observing programs within NASA. **AGI supports the President's request of \$1.785 billion for Earth Science programs within the Science Mission Directorate at NASA.** The investments are needed to implement the priorities of the National Academies *Earth Science and Applications from Space* Decadal Survey. NASA needs to maintain its current fleet of Earth-observing satellites, launch the next tier and accelerate development of the subsequent tier of missions. The observations and understanding about our dynamic Earth gained from these missions is critical and needed as soon as possible. Earth observations are used every day, not just for research, but for critical information to aid society in mundane tasks, like weather forecasting and emergency services, such as tracking volcanic ash plumes or oil spills that disrupt the economy and the environment. The requested increase for fiscal year 2013 and proposed increases for future years are wise and well-planned investments that benefit everyone.

We appreciate this opportunity to provide testimony to the Subcommittee and would be pleased to answer any questions or to provide additional information for the record. Linda Rowan can be reached at 703 379 2480 ext. 228 (voice), 703 379 7563 (fax), rowan@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.

**STATEMENT
OF THE
AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM**

**SUBMITTED BY MARY E. GOETZ, VICE PRESIDENT FOR ADVOCACY
TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES**

March 15, 2012

This statement focuses on the National Science Foundation (NSF)

On behalf of this nation's 37 Tribal Colleges and Universities (TCUs), which compose the American Indian Higher Education Consortium (AIHEC), thank you for the opportunity to express our views and recommendations regarding the National Science Foundation's Tribal Colleges and Universities Program (NSF-TCUP) for Fiscal Year 2013 (FY 2013).

SUMMARY OF REQUEST

National Science Foundation (NSF) - Education and Human Resources Directorate (EHR): Since Fiscal Year 2001, a TCU initiative has been funded and administered under the NSF-EHR. This competitive grants program enables TCUs to enhance the quality of their science, technology, engineering and mathematics (STEM) instructional and outreach programs. TCUs that have been awarded an NSF-TCUP grant have completed comprehensive institutional needs analysis and developed a plan for how to address both their institutional and NSF goals, with a primary institutional goal being significant and sustainable expansion and improvements to STEM programs. Through NSF-TCUP, tribal colleges have been able to establish and maintain programs that represent a key component of the pipeline for the American Indian STEM workforce. ***We urge the Subcommittee to fund the NSF-TCU competitive grants program at a minimum of \$13,350,000.***

TCU SHOESTRING BUDGETS: "DOING SO MUCH WITH SO LITTLE"

Tribal Colleges and Universities are accredited by independent, regional accreditation agencies and like all U.S. institutions of higher education, must periodically undergo stringent performance reviews to retain their accreditation status. TCUs fulfill additional roles within their respective reservation communities functioning as community centers, libraries, tribal archives, career and business centers, economic development centers, public meeting places, and child and elder care centers. Each TCU is committed to improving the lives of its students through higher education and to moving American Indians toward self-sufficiency.

TCUs have advanced American Indian higher education significantly since we first began four decades ago, but many challenges remain. Tribal Colleges and Universities are perennially underfunded. In fact, TCUs are the most poorly funded institutions of higher education in the country.

The tribal governments that have chartered TCUs are not among the handful of wealthy gaming tribes located near major urban areas. Rather, they are some of the poorest governments in the nation. Tribal Colleges are home to some of the poorest counties in America.

The federal government, despite its trust responsibility and treaty obligations, has never fully funded the principal institutional operating budgets, authorized under the Tribally Controlled Colleges and Universities Assistance Act of 1978. The Tribal College Act authorizes basic institutional operations funding on a per Indian student basis; yet the funds are not appropriated in the same manner. In FY 2011, Congress proposed level funding for TCU institutional operating grants and appropriated the communal pot of funds at the same level as FY 2010. However, due to a spike in enrollments at the TCUs of over 1660 Indian students in a single year, the TCUs are receiving funds at \$549 LESS PER Indian student toward their institutional operating budgets. Fully funding TCUs' operating budgets would require \$8,000 per Indian student. The tribal colleges are currently operating at \$5,235/Indian student. By contrast, Howard University located in the District of Columbia, the only other minority-serving institution to receive institutional operations funding from the federal government, is funded at approximately \$19,000 per student. We are by no means suggesting that Howard University does not need this funding, only that the TCUs' operating budgets are clearly grossly underfunded.

While TCUs do seek funding from their respective state legislatures for the non-Indian state-resident students (sometimes referred to as "non-beneficiary" students) that account for 20 percent of their enrollments, successes have been at best inconsistent. TCUs are accredited by the same regional agencies that accredit mainstream institutions, yet they have to continually advocate for basic operating support for their non-Indian state students within their respective state legislatures. If these non-beneficiary students attended any other public institution in the state, the state would provide that institution with ongoing funding toward its operations.

TCUs effectively blend traditional teachings with conventional postsecondary curricula. They have developed innovative ways to address the needs of tribal populations and are overcoming long-standing barriers to success in higher education for American Indians. Since the first TCU was established on the Navajo Nation in 1968, these vital institutions have come to represent the most significant development in the history of American Indian higher education, providing access to, and promoting achievement among, students who might otherwise never have known postsecondary education success.

JUSTIFICATIONS

NATIONAL SCIENCE FOUNDATION/EDUCATION AND HUMAN RESOURCES DIRECTORATE:

American Indian students have the highest high school drop-out rates in the country. On average, over 75 percent of all TCU students must take at least one developmental course, most often precollege mathematics. Of these students, our data indicate that many do not successfully complete the course in one year. Without question, a large proportion of the TCUs' already limited resources is dedicated to addressing the failings of K-12 education systems.

To help rectify this, TCUs have developed strong partnerships with their K-12 feeder schools and are actively working, often with support from NSF-TCU grant programs, to engage young students in community and culturally relevant science and math programs. These efforts include weekend academies and summer STEM camps that reinforce and supplement the instructional programs area K-12s are able to provide.

Beginning in Fiscal Year 2001, NSF-TCUP has provided essential capacity building assistance and resources to TCUs. In the approximately 10 years since the program began, NSF-TCUP has become the primary federal program for building STEM capacity at the TCUs. NSF-TCUP has served as a catalyst for

capacity building and positive change at TCUs and the program can be credited with many success stories. Today, American Indians are more aware of the importance of STEM to their long-term survival, particularly in areas such as renewable energy and technology-driven economic development.

The NSF-TCU program, administered by the Education and Human Resources Directorate, is a competitive grants program that enables TCUs to develop and expand critically needed science and math education and research programs relevant to their respective communities. Through this program, TCUs that have been awarded an NSF-TCUP grant have been able to enhance their STEM instructional offerings, workforce development, and outreach programs.

For example, College of Menominee Nation (CMN) in Keshena, WI has established strong programs in Pre-engineering, Computer Science, Natural Resources, the Biological and Physical Sciences, and Sustainable Development, mainly through support from NSF-TCUP. CMN's Sustainable Development Institute now hosts regional and sometimes international conferences on sustainable practices and in 2011 hosted an important conference for tribes located in the Great Lakes region to review current research on, and discuss strategies for responding to emerging challenges attributed to, climate change. CMN is an example of how TCUs are using their STEM programs as a springboard for taking critical leadership roles within their communities. Additionally, faculty and students at Haskell Indian Nations University in Lawrence, KS are using the university's Sequoyah Computer and GIS Lab to support their work with the Omaha and Winnebago Tribal Nations in collecting and analyzing hydrologic and botanical data necessary to support resource management decision-making by the tribal leadership.

Unfortunately, not all of the TCUs have had an opportunity to benefit from this program; yet, funding for this vital program has been static, and the percentage of proposals funded has declined each year beginning in 2004. *We strongly urge the Subcommittee to fund the NSF-TCU grants program at a minimum of \$13,350,000.*

CONCLUSION

Tribal Colleges and Universities provide access to quality higher education opportunities, including STEM focused programs, for thousands of American Indians. The modest federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the nation's Tribal Colleges and Universities and your serious consideration of our FY 2013 appropriation request.

**Outside Witness Testimony in Support of FY 2013 Funding for the
National Science Foundation**

March 22, 2012

Submitted by:
Julie Palakovich Carr
Senior Public Policy Associate
and
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Director of Public Policy

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Submitted to:
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of fiscal year (FY) 2013 appropriations for the National Science Foundation (NSF). We encourage Congress to provide NSF with at least \$7.373 billion in FY 2013.

The AIBS is a nonprofit scientific association dedicated to advancing biological research and education for the welfare of society. AIBS works to ensure that the public, legislators, funders, and the community of biologists have access to and use information that will guide them in making informed decisions about matters that require biological knowledge. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. Today, AIBS has nearly 160 member organizations and is headquartered in Reston, Virginia, with a Public Policy Office in Washington, DC.

The NSF is an important engine that helps power our nation's economic growth. Through its competitive, peer-reviewed research grants, NSF is leading the development of new knowledge that will help to solve the most challenging problems facing society, and will lead to new scientific discoveries, patents, and jobs. The agency's education and training programs are helping to ensure that the next generation has the scientific, technical, and mathematical skills employers are seeking. Investments in research equipment and facilities enable the country to continue to innovate and compete globally. These efforts, however, require a sustained and predictable federal investment. Unpredictable swings in federal funding can disrupt research programs, create uncertainty in the research community, and stall the development of the next great idea.

The NSF is the primary federal funding source for fundamental research in the non-medical life sciences at our nation's universities and colleges. The NSF provides approximately 62% of extramural federal support for non-medical, fundamental biological and environmental research at academic institutions.

NSF is a sound investment that pays dividends. The use of peer-review to evaluate and select the best proposals means that NSF is funding the highest quality research. Importantly, the FY 2013 budget request would allow the agency to fund 300 additional research grants, thereby supporting roughly 5,000 additional researchers, teachers, and students.

The research supported by NSF is unique from the science funded by other federal agencies. Unlike most federal agencies, which focus on applied research, NSF supports basic research that advances the frontiers of our knowledge about biodiversity, genetics, physiology, and ecosystems. Recent discoveries that stem from NSF-funded research include:

- Creation of designer enzymes that can convert biomass into biofuels faster, more efficiently, and less expensively.
- Refined understanding of the mechanism by which the flu virus infects humans. This insight could help to develop more effective treatments for the flu and save lives.
- Identification of long-term environmental changes in U.S. ecosystems, such as changes in hydrology and nutrient inputs in lakes in the Midwest.
- Knowledge of the physiological effects of human-caused marine stressors, such as pollution and low oxygen, on crustaceans' ability to fend off bacterial infections. This research has ramifications for several economically important fisheries.
- Insight into the benefits of anti-microbial plant resins used in beehives on honeybee health. This discovery could have implications for colony collapse disorder, which has devastated bee populations in North America.

Biological Sciences Directorate

The Biological Sciences Directorate (BIO) funds research in the foundational disciplines within biology. These fields of study further our understanding of how organisms and ecosystems function. Additionally, BIO supports innovative interdisciplinary research that improves our understanding of how human social systems influence – or are influenced by – the environment, such as the NSF-wide Science, Engineering, and Education for Sustainability program. In collaboration with NSF's engineering, math, and physical science directorates, BIO is working to develop new, cutting-edge research fields. For example, the BioMaPS program is accelerating understanding of biological systems, and applying that knowledge to new technologies in clean energy.

The FY 2013 budget request for NSF would enable the agency to continue to fund highly competitive grant proposals in BIO's five core programmatic areas: Environmental Biology, Integrative Organismal Systems, Molecular and Cellular Biosciences, Biological Infrastructure, and Emerging Frontiers. Each of BIO's program areas also contribute to the education and training of undergraduate, graduate, and postdoctoral students.

Equally important, BIO provides essential support for our nation's place-based biological research, such as field stations and natural science collections. The Long-Term Ecological Research program supports fundamental ecological research over long time periods and large spatial scales, the results of which provide information necessary for the identification and solution of environmental problems.

The budget request also would sustain an effort to digitize high priority specimens in U.S. scientific collections. This investment will help the scientific community ensure access to and appropriate curation of irreplaceable biological specimens and associated data, and stimulate the development of new computer hardware and software, digitization technologies, and database management tools.

The FY 2013 budget would continue efforts to better understand biodiversity. Funding is included for the Dimensions of Biodiversity program, which supports cross-disciplinary research to describe and understand the scope and role of life on Earth. Despite centuries of discovery, most of our planet's biodiversity remains unknown. This lack of knowledge is particularly troubling given the rapid and permanent loss of global biodiversity. Better understanding of life on Earth will help us to protect valuable ecosystem services and make new bio-based discoveries in the realms of food, fiber, fuel, pharmaceuticals, and bio-inspired innovation.

The budget request includes funding in the Major Research Equipment and Facilities Construction account for the continued construction of the National Ecological Observatory Network (NEON). Once completed, NEON will provide the infrastructure necessary to collect data across the United States on the effects of climate change, land use change, water use, and invasive species on natural resources and biodiversity. This information will be valuable to scientists, resource managers, and government decision makers as they seek to better understand and manage natural systems.

STEM Education

The requested budget would allow NSF to build upon its central role in science, technology, engineering, and mathematics (STEM) education. Support for the scientific training of undergraduate and graduate students is critically important to our research enterprise. Students recruited into science through NSF programs and research experiences are our next generation of innovators and educators. In short, NSF grants are essential to the nation's goal of sustaining our global leadership in science, technology, engineering and mathematics, and reigniting our economic engines.

We encourage the Committee to provide the requested funding for the successful Graduate Research Fellowship program. The budget request would provide funding for 2,000 new fellowships, which are important to our national effort to recruit and retain the best and brightest STEM students. The budget would also provide a needed \$2,000 increase to the fellowship's stipend, which has not changed since 2004.

The agency budget request also would provide important research support to early career scientists, helping them to initiate their research programs. The Faculty Early Career

Development program (CAREER) supports young faculty who are dedicated to integrating research with teaching and learning. The FY 2013 budget would enable NSF to support approximately 40 more CAREER awards than in FY 2012.

Conclusion

Continued investments in the biological sciences are critical. The budget request for NSF will help spur economic growth and innovation and continue to build scientific capacity at a time when our nation is at risk of being outpaced by our global competitors. Please support an investment of at least \$7.373 billion for NSF for FY 2013.

Thank you for your thoughtful consideration of this request and for your prior efforts on behalf of science and the National Science Foundation.



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Public Power
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**Statement
Of the
AMERICAN PUBLIC POWER ASSOCIATION
Submitted to the
HOUSE APPROPRIATIONS COMMITTEE'S
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED
AGENCIES
March 15, 2012**

Contact: Joy Ditto, Vice President, Government Relations, APPA

The American Public Power Association (APPA) supports adequate funding for staffing antitrust enforcement and oversight at the Department of Justice (DOJ). For the DOJ Antitrust Division we support the President's FY 2013 request of \$165 million.

The American Public Power Association is the national service organization representing the interests of over 2,000 municipal and other state and locally owned utilities in 49 states (all but Hawaii). Collectively, public power utilities deliver electricity to one of every seven electric consumers (approximately 46 million people), serving some of the nation's largest cities. However, the vast majority of APPA's members serve communities with populations of 10,000 people or less.

The DOJ Antitrust Division plays a critical role in monitoring and enforcing antitrust laws affecting the electric utility industry. With the repeal of the Public Utility Holding Company Act (PUHCA) included in the Energy Policy Act of 2005, the electric utility industry has experienced an increase in mergers that could result in increased market power in certain regions. This development, coupled with the volatility and uncertainty continuing to occur in wholesale electricity markets run by regional transmission organizations, makes the oversight provided by DOJ more critical than ever.

We appreciate the opportunity to submit this statement outlining our FY 2013 funding priority within the Commerce, Justice and Science Subcommittee's jurisdiction.



**AMERICAN
SOCIETY FOR
MICROBIOLOGY**

Public and Scientific Affairs Board

*Statement of the American Society for Microbiology
Submitted to the
House Committee on Appropriations
Subcommittee on Commerce, Justice and Science and Related Agencies
On the Fiscal Year 2013 Appropriation for the National Science Foundation*

March 21, 2012

The American Society for Microbiology (ASM) is pleased to submit the following testimony on the Fiscal Year (FY) 2013 appropriation for the National Science Foundation (NSF). The ASM is the largest single life science organization in the world with about 38,000 members. The ASM endorses the Administration's FY 2013 request of \$7.373 billion for NSF, a 4.8 percent increase over the FY 2012 level. For over 60 years, NSF grants have been responsible for breakthroughs in science, technology, engineering, and mathematics (STEM), sponsoring research with economic benefits and providing opportunities to train new generations of STEM professionals.

US global competitiveness in science and technology can only be sustained by increased resources devoted to research and development (R&D). In NSF's most recent biennial *Science & Engineering Indicators* report, US investment in R&D declined during the 1999–2009 period relative to other nations' investments. It is critical that funding be increased for the NSF because it is the primary source of federal research funding in multiple STEM disciplines.

Each year, NSF distributes funds to about 1,900 colleges, universities, and other US institutions. This year NSF will support about 285,000 researchers, postdoctoral fellows and other trainees, teachers, and students. In FY 2013, it expects to make more than 12,000 new awards selected from over 55,000 submitted research proposals. The NSF is responsible for 61 percent of the total federal budget for basic academic research.

The NSF FY 2013 budget will support the American Competitiveness Initiative and the National Bioeconomy Blueprint designed to resolve issues in health, food, energy, and the environment. NSF has launched several new initiatives to accelerate innovation, including the NSF Innovation Corps (I-Corps) program to build partnerships between NSF funded researchers and the private sector. The Science, Engineering and Education for Sustainability (SEES) program will use sustainability science to generate important innovations in clean energy like microbial produced biofuels.

NSF-funded scientists contribute new information about living organisms that benefits public health, our economy, and the environment. In the past year, NSF-supported researchers at academic institutions have reported the following results, among many others:

- Electron microscopy and 3-D image reconstruction revealed the seahorse-shaped structure of a protein complex in *Escherichia coli* that can adapt to defend the bacteria against viruses and other

microbial threats, indicating a bacterial immune system analogous in part to the human immune system.

- In stressful environments, *Bacillus subtilis* bacteria increase their survival by pulsing genes, like those initiating cell repair, on and off, counter to previous belief that once turned on, the genes remain active.
- Some patients develop blood infections from implanted cardiac devices because the biofilm bacteria involved have gene mutations that make the bacteria more likely to adhere to device surfaces, according to research partly funded by NSF's Directorate for Geosciences.
- Viruses known to infect *E. coli* bacteria (M13 phages) have been tricked into self-assembling as thin films with 3-D features like filaments or ridges, offering a potential nanoscale tool that might eventually lead to tissue regeneration and repair.
- Genetic sequencing of the bacteria that cause speck disease in tomatoes (*Pseudomonas syringae* *pv. tomato*), comparing isolates from 1975 and 2000, revealed that the economically important plant pathogen evolves more rapidly than expected, increasing its resistance to the tomato immune system and becoming more virulent.
- Novel therapeutics effective against drug-resistant influenza viruses might be developed using new research on the pocket-shaped surface cavities of avian influenza viruses that are targeted by flu drugs, based on computer simulations of how these cavities move and change.
- Scientists have sequenced the genomes of two fungal pathogens responsible for plant diseases that severely impact global food supplies, wheat stem rust and poplar leaf rust, in a six-year collaborative program involving several universities, NSF, the U.S. Department of Energy (DOE), and the U.S. Department of Agriculture (USDA).

NSF Funding Supports Diverse Research in Biological Sciences

The FY 2013 budget requests \$733.86 million for NSF's Directorate for Biological Sciences (BIO), a 3 percent increase over the enacted FY 2012 level. We are concerned that funding for the BIO divisions has remained essentially flat since FY 2010. BIO supported research contributes important insights and new knowledge across the wide spectrum of living organisms and systems, with obvious applications to public health. FY 2013 funding will further current BIO strategies that emphasize cross-cutting research combining several scientific disciplines or leveraging the interfaces between the physical and biological worlds.

Within its research portfolio, the Directorate invests in the five so-called Grand Challenges in Biology: synthesizing life-like systems; understanding the brain; predicting organisms' characteristics from their DNA sequences; elucidating interactions between the earth, its climate and its biosphere; and understanding biological diversity. BIO grant recipients and training programs seek answers to major problems like climate change, energy shortages, animal and plant diseases, and threats to our environment. In FY 2013, BIO funding will be distributed among more than 18,000 scientists, students, and K-12 teachers to promote relevant research and education.

This year, the first test sites in the NSF-funded National Ecological Observatory Network (NEON) will be operational. NEON is a unique research infrastructure that will study all biological entities identified in

large geographic areas over extended periods. Included in NEON research will be numerous studies of microbial communities, their responses to environmental change, and how they can be utilized in useful ways. Another large-scale NSF project with microbe-based components is the agency wide SEES program, distributing grants in bioremediation and microbial genetics.

BIO provides about 62 percent of federal funding for non-medical basic research in the life sciences at academic institutions and supports important microbial research. Over the past two years, BIO has awarded over 580 grants worth about \$111 million to microbiology related projects, which have advanced basic and applied microbiology, such as new ways to produce drugs against infectious diseases and potential remediation methods to clean polluted environments.

The Ecology and Evolution of Infectious Disease (EEID) program is a joint BIO effort in partnership with USDA's National Institute of Food and Agriculture and NIH's National Institute of General Medical Sciences. The principal focus is the dynamics of disease transmission, and the program supports academic research on the ecological, evolutionary, and socio-ecological processes that determine the spread of diseases. Through this program, NSF multidisciplinary research is creating inventive approaches to controlling infectious diseases. Potential grantees are encouraged to utilize investigative teams of physicians, veterinarians, food scientists, virologists, and multiple other specialists in their proposals.

Last year, EEID-funded researchers identified the mosquito and bird species most responsible for West Nile virus transmission and linked bacteria in human sewage to white pox disease that is killing elkhorn coral in the Caribbean. Recently funded EEID projects include studies of the transmission of brucellosis among bison in Yellowstone Park, the spread of the fungal disease white-nose syndrome among hibernating bats, and how wildfires and extreme droughts affect the spread of the infectious plant disease called sudden oak death that has attacked millions of trees in California and Oregon. EEID's mission encompasses the varied factors that determine transmission of diseases to humans, non-human animals, and plants, enabling research in infectious disease not replicated elsewhere.

NSF Funding Supports Basic Research in Engineering, Mathematics, and Physical Sciences

The NSF supports interdisciplinary studies in all STEM fields as the boundaries have become increasingly blurred among biological, physical, and computing sciences. The Directorate for Engineering (ENG) would receive \$873.33 million, an increase of 6.1 percent; the Directorate for Geosciences (GEO), \$906.44 million (2.4 percent); and the Directorate for Mathematical and Physical Sciences (MPS), \$1,345.18 million (2.8 percent).

The Directorate for Geosciences—which provides about 55 percent of federal funding for basic geosciences research—supports diverse academic studies of the global environment. GEO funded research, scientist training, and education contribute new knowledge about the oceans, our atmosphere, water quality, and other environmental systems. GEO funds help underwrite observatories, ocean drilling projects, and other large-scale programs that would be unlikely without NSF support. The resulting research also has added to our understanding of natural disasters like earthquakes and tornadoes. Geochemists' identified microbes in the Gulf of Mexico following the Deepwater Horizon oil spill that ingest natural gases like methane and ethane at cold temperatures, which should inform future contaminant remediation.

The Directorate of Mathematical and Physical Sciences provides half of the federal funding for basic research at academic institutions. Its contributions to the SEES program include grant awards for sustainable chemistry research. MPS recently appointed a committee of external experts, called NSF

Materials 2022, to develop future research strategies in materials science that will undoubtedly utilize biological systems among others. In FY 2013, MPS also will continue its partnership with the BIO and ENG directorates in the Research at the Interface of the Biological, Mathematical and Physical Sciences (BioMaPS) program, which integrates biological, engineering, mathematical, and physical sciences to study naturally occurring networks. BioMaPS-funded projects generate bio-based materials, through new approaches to manufacturing devices and platforms. MPS funding for this creative program would increase 50 percent in FY 2013, recognition of the potential contributions from mathematical and physical sciences to technologies like bioimaging, renewable fuels, and biosensors.

The Directorate for Engineering contributes about 35 percent of federal funding for basic engineering research at academic institutions. Bioengineering research offers exciting new solutions to challenges faced in health care, environmental stewardship, and the US economy. The Division of Chemical, Bioengineering, Environmental, and Transport Systems (CBET) underwrites SEES related research and education aimed toward sustainability in water, climate, and energy. The CBET research portfolio includes emerging specialties like biosensing and investigations that involve engineers, life scientists, and bioinformatics experts.

Conclusion

The ASM recommends that Congress approve the Administration's FY 2013 budget request for the National Science Foundation, the nation's principal sponsor of basic research in crucial technical areas. It is important that Congress sustain NSF's proven successes in STEM-related research and education. By funding academic research, NSF serves the public as a partner in achieving our national imperative to enhance discovery and innovation across STEM disciplines.

**Position Statement on the
National Aeronautics and Space Administration (NASA) FY 2013 Budget Request
submitted by the
NASA Task Force of ASME's Aerospace Division
within Technical Communities of the Knowledge and Community Sector**

March 16, 2012

Introduction to ASME and the NASA Task Force

The NASA Task Force of ASME's Aerospace Division within Technical Communities of the Knowledge and Community Sector is pleased to have the opportunity to provide its views on the Fiscal Year (FY) 2013 budget request for NASA.

ASME is a nonprofit, worldwide engineering society serving a membership of over 120,000 people. It conducts one of the world's largest technical publishing operations, holds more than 30 technical conferences and 200 professional development courses each year, and sets many industrial and manufacturing standards. The Aerospace Division represents approximately 15,000 members from industry, academia, and government. Aerospace Division members are involved in all aspects of aeronautical and aerospace engineering at all levels of responsibility. They have a long-standing interest and expertise in the nation's federally funded aeronautics, exploration, space operations, and aerospace research and development activities at NASA, and the agency's efforts to create a pipeline of young engineers interested in aerospace and aeronautics. In this statement, the Task Force will address programs that are critical to the long-term health of the nation's aerospace workforce and the global economic competitiveness of the US aerospace industry.

Key Recommendations for FY 2013:

- The Aerospace Division is concerned about proposed flat and reduced funding for key research and education accounts within NASA. Flat funding amounts to effective reductions in funding when adjusted for inflation and would have a particularly negative effect on NASA's aeronautics research programs. NASA's R&D and educational activities will require sustained increases in funding in order to maintain and enhance space exploration outcomes and competitiveness in the US aeronautics industry and workforce against emerging countries entering space exploration.
- The Task Force highly recommends that Congress and the Administration work to increase the aeronautics portion of NASA's research budget to maintain funding and activities for aeronautics research at the FY 2012 level of \$569.4 million. Achieving this goal will help maintain the research programs needed to support and maintain a world-class aeronautics and aerospace industry and globally competitive research workforce.

National Aeronautics Research and Development Policy and Plan

The National Science and Technology Council (NSTC) released their "National Aeronautics Research and Development Policy" in December 2006, to establish long-term goals for US aeronautics R&D endeavors. The NSTC followed this policy with a "National Aeronautics Research and Development Plan," updated by the Obama Administration in 2010. This plan noted the continued importance of aeronautics research and development to US national security and global economic competitiveness. These policy documents recognize the necessity for federal leadership in advanced R&D and emphasize the federal role in advanced aircraft technologies and systems research but also call for private sector contributions in identifying and applying technological innovations. However, these policies alone cannot provide the necessary gains in aeronautics technology without the proper amount of funding and the sustained commitment on the part of the Administration and Congress.

Overview of NASA's Fiscal Year 2013 Budget Request

The Task Force recognizes the unprecedented fiscal challenges our country faces and supports the Administration's strategy of promoting fiscal discipline in a smart way – strategically cutting programs where possible and investing in programs which improve our long-term economic competitiveness. In accordance with the terms of the NASA Authorization Act of 2010 (P.L. 111-267), the Administration is continuing the implementation of significant changes to NASA's programming in FY 2013, including the continuation of a series of new exploration, R&D, and technology demonstration programs and several programs geared towards partnerships between NASA Centers and commercial sector aeronautics and aerospace companies.

The Administration's overall budget request of \$17.7 billion for NASA in FY 2013, compared to \$17.77 billion in FY 2012, is significant considering the current fiscal environment, but the Task Force has severe reservations about the Administration's proposed budget freeze at this reduced level over the next 5 fiscal years, through FY 2017.

NASA is already struggling to support several new research and technology initiatives needed to serve the nation's long-term space exploration needs. Constrained research funding will force NASA to abandon worthy research endeavors, including proven and promising research programs and technology development efforts such as NASA's Mars science programs. Due to recurrent under-funding of NASA's research and development focused directorates over the last several years, NASA became an agency focused on operations and execution to the detriment of its concurrent mission to develop and research the aeronautics and aerospace platforms of tomorrow. Given the challenges faced by NASA as it transitions to new mandates from Congress – mandates which assume significant out-year budget growth - and the current challenges faced by the broader US aeronautics industry and aeronautics workforce, the Task Force urges the Administration to reassert its commitment to revitalizing research and development at NASA, particularly through proposals to engage US industry in a variety of new space technology development and demonstration programs in NASA's new 'Space Technology' budget portfolio.

NASA's 'Space Technology' development proposal reflects one of the most important recommendations from the Review of US Human Space Flight Plans Committee, also known as the 'Augustine Committee', that is, the revitalization of NASA's innovative space technology development efforts. The US record on space exploration stands among the greatest achievements of humankind and one of our greatest achievements as a nation, and maintaining this mission is critical to US leadership in space.

At a time when America faces unprecedented challenges to its economic leadership, NASA must continue to play a leading role in funding engineering-related research, particularly for aeronautics and aerospace programs, if we are to continue our leadership in activities ranging from commercial aeronautics and aerospace activities to national space exploration priorities. Therefore, the Task Force views the Administration's notional freeze on NASA's budget as detrimental to encouraging new research and technology demonstration programs critical to placing NASA and the US aeronautics and aerospace industries back on course to developing space exploration programs which are truly 'worthy of a great nation'.

Need to Expand Aeronautics Research

The Task Force has consistently noted the value of NASA's aeronautics research and technology (R&T) programs contained within the Aeronautics Research Mission Directorate (ARMD). This portion of the NASA budget offers immediate and practical benefits for the nation, and the Task Force is concerned about the Administration's proposed \$551.5 million budget for ARMD in FY 2013, a -3.1 percent decrease from FY 2012. In light of this reduced funding path, the Administration's out-year budget plan

for ARMD will be insufficient to support the development of important aeronautics research missions if ARMD is to ramp up work on its Integrated Systems Research Program (ISRP), and also force NASA to abandon much of its hypersonic aviation research efforts.

Aeronautic products represent our greatest single national export. These exports are now being threatened by foreign competition whose governments are largely supportive of their aeronautics enterprises. This represents not only a commercial threat but a potential threat to our national security as well. Strong investment in fundamental engineering research in aeronautics will ensure that the US will retain its long-term leadership in this field.

NASA's proposed investment in aeronautics research for FY 2013 represents less than 1 percent of the more than \$53.7 billion in net US exports of aeronautics products in 2011. The Task Force recommends that the aeronautics portion of the NASA budget be increased to \$1.0 billion over the next five years, with a long-term target of attaining a level of 10 percent of the total NASA budget. Achieving this target would re-establish aeronautics funding, as a percentage of the NASA budget at its pre-1990 level, and put US aeronautics R&D funding at levels commensurate with the needs of a world-class aeronautics and aerospace industry.

An increase in R&D funding for Aeronautics could provide immediate and strategic benefits to the US economy. More funding will allow rapid improvements in fuel economy and noise abatement technology development through full-scale or sub-scale flight demonstrations that speed transition of these technologies into production aircraft, and leverage current Aeronautics investments in environmentally responsible aviation technologies. Strategically, more R&D funding could allow the ARMD to take a greater role in Next Gen technology development for air traffic control, and to possibly take a lead role in the National Airspace System, leading the way to safely flying unmanned vehicles in our national airspace and maintaining US leadership in this critical technology.

US Aeronautics and Aerospace Workforce

Several interrelated critical challenges confront the US aeronautics enterprise – a sharp decrease in the number of new commercial and military aircraft programs, a decline in the quality of the research infrastructure, and erosion in the technologically literate workforce needed to ensure pre-eminence in an increasingly competitive marketplace. Robust investment by NASA in aeronautics research and space technology development addresses all these problems and will help balance NASA's portfolio to reflect the importance of aeronautics and aerospace to the global economy.

Aeronautics faces the same pressures being felt by the space industries, where fewer research dollars over time has resulted in fewer companies with skilled workers capable of designing and building complex aeronautical systems. As result, the US is increasingly dependent on immigration and outsourcing to meet its technical workforce needs. In fact, the NSF's 2012 S&T Indicators report found that over 50 percent of Doctorate level engineers working in the US engineering fields, including aeronautical and aerospace engineering, came from foreign backgrounds, an increase from 41 percent in 2000. Investment in aeronautics is a matter of strategic importance, as it creates highly skilled manufacturing jobs and helps create a foundation for a strong national defense. Additionally, the same report found that both the number and percentage of science and engineering doctoral degree recipients with temporary visas reporting plans to stay in the US peaked in 2007 and declined in 2009 after rising since 2002, indicating that the US cannot take its scientific workforce for granted during tough economic times.

While regional economies differ, the Aerospace industry overall suffers from a lack of available young workers with advanced technology degrees who can step in to replace retiring, experienced workers. The aerospace industry looks to NASA to create a demand for long-term R&D to encourage students to go to

graduate school and on to companies who are doing aeronautical research and development. There is a clear correlation between research dollars and the number of graduate students in a particular field. Therefore, as the funding for aeronautics has decreased by more than half over the last decade, the number of younger faculty and graduate students decreased. There is a lag between funding increases and student enrollment increases, and this decade-long erosion must begin to be reversed now. Accordingly, the Task Force reiterates its support for a revitalization of aeronautics and aerospace research and development efforts at NASA.

Recommendations Concerning ITAR Restricted Research

The Task Force again recommends that NASA receive increased funding for research programs conducted through academic partnerships, and recommends maintaining NASA's education budget at a minimum FY 2012 level of \$136 million. In this context, Congress should consider having a broad range of technologies reviewed and declared non-International Traffic in Arms Regulation (ITAR) restricted in order to reduce costs and barriers to performing research in academic laboratories.

While basic research does not face ITAR restrictions, many applied and advanced categories of research on space related technologies face significant barriers for foreign nationals at academic institutions. At present almost all space launch technologies are ITAR restricted, eliminating the possibility for many foreign students to participate in the research at many universities. Recognizing that many aerospace companies perform restricted work and need to hire legal residents or US citizens, the Task Force recommends that a process be established to screen new foreign engineering students and start the green card process and path to citizenship as a part of their student employment through US taxpayer funded grants working on technology in the aerospace and astronautics fields. This would restrict funding to individuals that would later be eligible for employment in the US after conclusion of their PhD, allowing for easier entry into the US aeronautics workforce. This would also reduce the cost to small business hiring new non-US graduates and streamline the US aeronautics workforce development pipeline.

Conclusion

Our nation is facing an ongoing struggle in two areas that are interrelated, which are: declining technical workforce and foreign competition for aeronautics and space exploration leadership. We believe one element of the solution to both problems is investment in aeronautics research and development. There is a strong correlation between technical degrees being awarded and consistent funding for research and development. NASA can help its own workforce problems as well as some of the same problems facing the rest of the country by increasing, in a persistent fashion, research in aeronautics. This in turn would have a positive effect on the US economy in the long run by enabling our country to better compete in the future global marketplace.

The Administration's proposed NASA budget for FY 2013 indicates an overall philosophical commitment to revitalizing space technology research and development efforts, which the Task Force fully supports. However, a strong aeronautics R&D program is also essential for the national necessity of retaining a US world-class aeronautics workforce and the Administration's 5-year (FY 2013-FY 2017) funding freeze for NASA is incongruent with the Administration's overall goal of spurring a revitalization of R&D at NASA and in the US aeronautics industry. Aeronautics is a vital industry that produces tangible economic and security benefits for the nation. NASA's charter for aeronautics and space means that it must address both. Therefore, the Task Force reiterates its support for an expansion in NASA's overall ARMD's budget portfolio to ensure support for existing long-term aviation research and infrastructure goals as well as the development of new space technology research and development capabilities.

As other nations seek to expand their efforts in aeronautics and space exploration, there is a strong rationale for Congress to consider real increases to the NASA aeronautics and space technology budgets. Congress must help the US remain competitive and innovative in this vital area by providing adequate funds and consistent support for NASA's missions. Furthermore, NASA's aeronautics budget should reflect the priorities laid out in the NSTC National Aeronautics Research and Development Policy, which supports stable and long-term foundational research. Only a robust aeronautics budget will meet this goal. The -3.1 percent decrease in NASA's aeronautics budget is a step in the wrong direction. The US must maintain and expand its investments in scientific research to ensure continued US leadership in space exploration and aeronautics and aerospace technological development.

This testimony represents the considered judgment of the NASA Task Force of the Aerospace Division of ASME's Technical Communities of the Knowledge and Communities Sector and is not necessarily a position of ASME as a whole.

**Position Statement on the
National Science Foundation (NSF) FY 2013 Budget Request
submitted by the
NSF Task Force of the ASME Technical Communities, Knowledge and Community Sector
March 16, 2012**

Introduction to ASME

Founded in 1880 as the American Society of Mechanical Engineers, ASME is a not-for-profit professional organization that enables collaboration, knowledge sharing, and skills development across all engineering disciplines, while promoting the vital role of the engineer in society. ASME codes and standards, publications, conferences, continuing education, and professional development programs provide a foundation for advancing technical knowledge and a safer world. ASME conducts one of the world's largest technical publishing operations, holds more than 30 technical conferences and 200 professional development courses each year, and sets some 600 industrial and manufacturing standards.

NSF FY 2013 Budget Request Overview

The National Science Foundation (NSF) Task Force of ASME's Knowledge & Community Sector is pleased to comment on the NSF Fiscal Year (FY) 2013 budget request, in support of this year's proposed funding level of \$7.37 billion for the NSF.

With its commitment to sponsoring broad-based, cross-cutting programs that expand the boundaries of science and engineering, the NSF is vital in guiding the nation's non-defense-related research and education. As acknowledged by the Administration and Congress, for the U.S. to remain globally competitive, prosperous, and secure, the nation must support transformative, fundamental research that fosters invention and leads to ground-breaking societal advances. Such a paradigm produces a high-tech workforce, stimulates economic growth, addresses critical national challenges, and sustains our nation's standing as a global leader.

The total FY 2013 NSF budget request is \$7.37 billion (B), representing an increase of 4.8 percent over the \$7.03B estimate for NSF in FY 2012. While the present budget request still places the NSF far behind the goals of the America COMPETES Act, the NSF Task Force feels this is a responsible budget given the current fiscal environment.

Research and Related Activities (RRA) comprises the major portion of the total NSF request at \$5,983 million (M), a 5.2 percent increase over the FY 2012 level. All of NSF's research directorates receive notable increases in FY 2013. These increases should help the Directorates to recover from the post-2004 NSF budget cuts, but would still not bring total NSF funding to its all-time high 2004 level (in FY 2012 adjusted dollars). The resources for the Engineering Directorate (**ENG**) increase by 6.1 percent over the FY 2012 level to \$876.3M, of which \$165.2M is budgeted through mandate for the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs that **ENG** administers for all of NSF.

ENG comprises the disciplinary-area divisions of Chemical, Bioengineering, Environmental, and Transport Systems (CBET), up 4.7 percent to \$179.4M; Civil, Mechanical and Manufacturing Innovation (CMMI), up 6.6 percent to \$217.0M; and Electrical, Communications and Cyber Systems (ECCS), up 7.1 percent to \$114.3M. Industrial Innovation and Partnerships (IIP) increases 8.7 percent to \$210.3M; Emerging Frontiers in Research and Innovation (EFRI)

increases 3.2 percent to \$32.0M; and Engineering Education and Centers (EEC) increases 2.7 percent to \$123.27M.

NSF will continue to support research and education efforts related to broad, foundation-wide investments. A share of the ENG budget (allocated from the constituent divisions), will contribute to these initiatives. The following key activities receive increases: Faculty Early Career Development (up 4.9 percent to \$216.0M); Graduate Research Fellowships (up 22.6 percent to \$243.0M); and Research at the Interface of Biological, Math, and Physical Sciences (up 50.9 percent to \$30 million). Notable reductions include: NSF's Climate Change Research program (a 37.4 percent cut to 6.0M), and the Networking and Information Technology R&D program (a 6.0 percent cut to \$1,207.2 M).

NSF-wide funding for the National Nanotechnology Initiative increases by 6.3 percent to \$434.9M for FY 2013. In another agency-wide technology program, the Administration has proposed significant new funding for a cross-cutting advanced manufacturing initiative entitled Cyber-enabled Materials, Manufacturing, and Smart Systems (CEMMSS), totaling \$257M in FY 2013, an increase of 80.9 percent from roughly \$142M in FY 2012. Funding for CEMMSS includes \$20.8M in NSF funding for the National Robotics Initiative (NRI), which partners with NASA, NIH, and USDA to promote US leadership and education aimed at next generation robotics.

Another initiative which the Task Force views as critical to re-establishing US leadership in clean energy technology is the Science, Engineering, and Education Sustainability (SEES) program. SEES, proposed for a 29.2 percent increase to \$203M in FY 2013, will integrate NSF's climate, energy, and engineering programs to increase U.S. energy independence, enhance environmental stewardship and reduce energy use and carbon intensity, while generating continued economic growth.

The ASME NSF Task Force Position

Affirmation and Endorsement

The ASME NSF Task Force highly endorses NSF's crucial function in directing basic research and integrated education programs that keep America at the vanguard of science, engineering, and technology. NSF possesses an exceptional record of comprehensive and flexible support of a breadth of research, from 'curiosity-driven' science to targeted initiatives. This achievement has been made possible via strict adherence to the independent peer-review process for merit-based awards. The proposed increases under the President's FY 2013 budget should allow NSF to properly sustain and expand these efforts and commitments, advancing discovery and learning, spurring innovation, and honing the nation's competitive edge.

The FY 2013 Budget Request represents a 4.8 percent increase over FY 2012 funding. Almost all of the total increase for NSF is in R&D activity funding, totaling \$5.98B, an increase of 5.6 percent over FY 2012 funding. Sufficient investment in fundamental science and engineering research, that involves both established and emerging areas, is essential in recognizing and nurturing innovation, in preparing the next generation of scientific talent and leaders, and in producing the products, processes, and services that improve health, living conditions, environmental quality, energy conservation, and national security for all Americans.

Overall, the Task Force also supports and commends activities within **ENG**. NSF's support of "fundamental research that can contribute to addressing national challenges" is exemplified within **ENG**. It is important to emphasize that it is through such fundamental science and engineering investment that the next generation technologies are spawned. Examples of successes emanating from **ENG** include using a technique of catalytic fast pyrolysis in a fluidized bed to make green gasoline from sawdust and other plant materials. Researchers have designed snake robots with sensor-based exploration that maneuver in three dimensions and navigate all manners of terrain, building a map to establish their location; current applications range from search and rescue to minimally invasive heart surgery to archaeological exploration. Researchers have developed a new material, with a low-temperature nonmagnetic phase and a strongly magnetic high-temperature phase that is capable of converting heat into electricity, with implications in revolutionizing power plant technology.

NSF leads the U.S. nanotechnology research effort, and **ENG** is the focal point within NSF for this key national research endeavor. ASME has strongly supported the National Nanotechnology Initiative (NNI) since its inception as an NSF investment area in FY 2000. The Administration has requested \$434.9M for the NNI in FY 2013, a 6.3 percent increase. The Task Force strongly supports this funding, particularly for investments in activities that will increase research in two key areas: nanomanufacturing and environmental health and safety.

Finally, ASME continues to support NSF's vision of "a nation that capitalizes on new concepts in science and engineering and provides global leadership in advancing research and education." Thus, ASME commends the President's expansion of the Faculty Early Career Development and the Graduate Research Fellowships programs. Funding for the Faculty Early Career Development (CAREER) awards will support exceptionally promising college and university junior faculty who are most likely to become the academic leaders of the 21st century. The FY 2013 request provides substantial increases for some of NSF's flagship graduate fellowship and traineeship programs, but does not universally increase investments: \$243M is provided for the Graduate Research Fellowship (GRF) program (an increase of 22.6 percent), \$52M (a reduction of -13.6 percent) for the Integrative Graduate Education and Research Traineeship (IGERT) Program, and \$27M for the Graduate Science, Technology, Engineering, and Mathematics (STEM) Fellowships in K-12 Education program (a reduction of -0.2 percent). NSF also supports the Research Experiences for Undergraduates program (REU) at \$68M (an increase of 3.7 percent), the Research Experiences for Teachers program (RET) at \$5M (-21.6 percent), and the Research in Undergraduate Institutions program (RUI) at \$40M, (the same level as last year).

Questions and Concerns

ASME's key questions and concerns arising from the FY2013 budget request center on:

- the need for sustainable funding for NSF
- low funding success rates for new grants, and low funding levels for existing grants,
- funding ranking for **ENG** with respect to other Directorates within NSF; and
- the need for increased funding for core disciplinary research within **ENG**.

NSF is the only federal agency devoted "to the support of basic research and education across all fields of science and engineering." While comprising only a small percentage of the total federal budget for R&D, NSF provides 22 percent of the federal support given to academic institutions for basic research overall, or 61 percent when medical research supported by the NIH is excluded. Moreover, while NSF does not directly support medical research, its investments do

provide the technologies in diagnosis, medicine, pharmaceutical manufacturing, and drug delivery that are essential for the medical sciences and related industries. Given recent appropriations to provide NSF with budget increase despite the long-term fiscal challenges posed by our national debt, the ASME NSF Task Force lauds Congress and the Administration for their recognition of the unique role that NSF plays in the scientific enterprise, and encourages them to provide sustainable funding for NSF in FY 2013 for the future prosperity of our nation.

Although the funding success rate for research grants at NSF has increased over the past few years, it is still well below the 30 percent level of the late 1990s, a trend projected to continue in FY 2013. The 2011 funding success rate is estimated at 22 percent, evincing that budget increase of 1.7 percent in FY 2012 and the slated budget increase of 4.8 percent for FY 2013 would still prevent a large number of excellent, meritorious proposals from being funded. Nonetheless, even maintaining current grant size and duration is not enough. An extended period of constant grant sizes has diminished buying power for grants due to inflationary effects, thus limiting the ability of grant recipients to adequately support research and student development. Note that the bulk of the grants are budgeted for graduate student stipend and tuition. Noteworthy, **ENG** has a funding success rate for research grants of 5 percent below the average for other NSF directorates (**ENG** achieved a 17 percent success rate versus approximately 22 percent for NSF-wide in 2011). Moreover, **ENG** is also reduced its average annualized award size to \$110K in 2011, down over \$6.5k from the 2010 level.

ENG is the single largest source of federal funding for university-based, fundamental engineering research – providing 45 percent of the total federal support in this area. However, **ENG** (less SBIR/STTR) is still only fourth in total funding (at \$711.1M) of the six Directorates within NSF, despite receiving an increase of 5.7 percent in the FY 2012 (excluding SBIR/STTR). Our Nation's long-standing global prominence in technological innovation may be jeopardized if such investments in basic engineering research and education are hindered by dearth of federal funding in engineering.

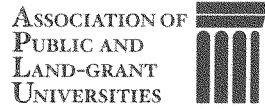
The total funding for non-priority-area core disciplinary research, from which new priority areas and even new disciplines are often engendered, within **ENG** should still be scrutinized. Funding for broad, Directorate-wide priority areas (e.g., Cyber-enabled Materials, Manufacturing, and Smart Systems; Clean Energy Technology; and National Nanotechnology Initiative) and the SBIR/STTR program within **ENG** constitute almost half of the budget request for **ENG**. The Task Force does not advocate for the redistribution of monies from **investment priority-areas** into non-priority core areas, but rather provide significant increases for completely flexible core funds in order to develop the creative and novel ideas that feed the comprehensive fundamental Science, Engineering, and Technology knowledge base, which serves to advance this nation's health, prosperity, and welfare, and security.

Conclusion

The ASME NSF Task Force urges Congress to support the Administration's request at a minimum of \$7.37B for FY 2013, and enthusiastically supports the National Science Foundation's strategic plan of "empower the nation through discovery and innovation." We commend Congress and the Administration for their recent support for NSF in the FY 2012 appropriations process, but remain concerned that inadequate funding will impede those pursuing research oriented careers in STEM disciplines.

We are further concerned the goals of the America COMPETES Act have largely fallen off of the national agenda. US investments in science and technology have consistently paid back into the economy--generating new jobs and new industries--far more than taxpayers have invested. The lack of focus on scientific and technological competitiveness is particularly worrisome for America's future global competitiveness given the continued strong growth in R&D investments around the world. Congress should work to fulfill the goals of the America COMPETES Act in order to stimulate our economy with the fruits born from science and technology. Sustained yearly increases in the NSF's budget are needed for both core disciplinary research and integrated education. Increasing award duration would promote a more stable and productive environment for learning and discovery. Longer timetables would also provide researchers with opportunities to deliver expanded education and research experiences to students. We encourage Congress to make available these needed resources for NSF in FY 2013.

ASME is a non-profit technical and educational organization with over 120,000 members worldwide. The Society's members work in all sectors of the economy, including industry, academia, and government. This position statement represents the views of the NSF Task Force of ASME's Technical Communities of the Knowledge & Community Sector and is not necessarily a position of ASME as a whole.



**FY 2013 Testimony of the ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES'
(A·P·L·U) Board on Oceans, Atmosphere, and Climate (BOAC)
to the House Appropriations Subcommittee
on Commerce, Justice, Science and Related Agencies (CJS)**

Submitted by Dr. Eric Barron*, President of Florida State University, and Dr. Yolande Serra, Associate Research Professor of Atmospheric Sciences, University of Arizona, co-chairs of the A·P·L·U Board on Oceans, Atmosphere, and Climate

On behalf of the Association of Public and Land-grant Universities' Board on Oceans, Atmosphere, and Climate, and the national constellation of institutions of higher learning that it represents, we thank you for the opportunity to provide support of and recommendations for the proposed FY 2013 budgets for the National Oceanic and Atmospheric Administration (NOAA), the National Aeronautic and Space Administration (NASA) and the National Science Foundation (NSF). NOAA, NASA and NSF each play unique roles in a number of high-priority U.S. and international initiatives. All three agencies also support research at our member institutions that provides critical information to policymakers and communities across the country, as well as advances US science and technology through strong collaboration with these agencies. That is why we strongly recommend support at the level of \$5.3 billion for NOAA; \$7.373 billion for NSF; and \$5.090 billion for NASA's Science Account.

Maintaining strong support for these three agencies will serve the nation well in advancing science and technologies that subsequently undergird the economy, security and well being of the citizenry of the United States, as it has done for the past several decades. Outlays in the natural and earth systems' science and technology programs of NOAA, NSF, and NASA have and continue to improve and make the nation's surface, air and marine transportation safer and more efficient, advance energy technology, provide the scientific and technological advances to help the defense industry better meet its technology needs, contribute to advances in public health, make the country more resilient to environmental hazards, provide agricultural, energy and transportation sectors with seasonal outlooks, and grow the knowledge base upon which society can make wise environmental and technologically forward-looking management decisions.

Environmental data collected and distributed by NASA, NSF and NOAA represent a national resource used not only by universities for research, education and outreach, but also by private industry to produce products and services.

Ensuring homeland security, maintaining global communications, and informing the public of atmospheric and marine ecological health threats depend upon reliable science. Forecasting the onset, duration and effects of solar storms, atmospheric weather events, coastal storms, sea-level variability, toxic algal blooms, and seasonal climate conditions depend on sustained funding of the science and technology that NOAA, NSF and NASA sponsor and conduct.

Below we comment on specific needs of each of the agencies and the science communities they collaborate with:

NOAA

NOAA provides important services to all Americans, services that are vital to our economy, national security, surface, marine and air transportation, human safety and the health of human and marine ecological systems. Extreme weather events, like tornadoes, hurricanes, oppressive heat, heavy precipitation both wet and frozen, dust storms and drought, clearly demonstrate both the immediate and long-term impacts that weather and seasonal climate can have on a region. About \$3 trillion or one-third of the U.S. economy, including industries as diverse as agriculture, finance, energy, insurance, transportation, real estate and outdoor recreation, is highly weather- and seasonal climate-sensitive.

NOAA's support of environmental research and education via Cooperative Institutes and programs such as the Oceanic and Atmospheric Research's Sea Grant and the Office of Ocean Exploration and Research programs are critical to university research, education and outreach. Similarly, NOAA's role in understanding the oceans and coastal areas and oceanic resources through the National Centers for Coastal Ocean Science support and help maintain sustainable coastal economies. The Oceanic and Atmospheric Research programs have already been cut by 20% in FY 2012. The President's FY2013 budget requests \$413.8M, about a 10% increase over the enacted FY12 OAR budget. We support no less than the President's request in order to rebuild the programs lost or greatly compromised under the current budget.

For the Sea Grant program in particular, we request a budget of \$70 million. According to data collected for the two-year (2009 and 2010) period by the National Sea Grant Office within NOAA, the Sea Grant program delivered the following benefits to the Nation: Nearly \$243M in direct economic benefits to the Nation, which represents nearly a 4 to 1 return on the federal investment; An estimated additional \$146 million in other Federal, state, and non-governmental resources was leveraged for research, extension, and other services to support the ocean and coastal enterprise; 144 new businesses were created, 1271 businesses were retained, and more than 8100 jobs were created or retained due to Sea Grant efforts; 768 communities across the nation have adopted more sustainable economic or environmental development practices and policies; More than 340 communities adopted hazard resiliency practices with Sea Grant assistance to make them better prepared to cope with or respond to hazardous coastal events; More than 5000 individuals or businesses received new certifications in HACCP (hazard analysis and critical control point) handling of seafood products, improving the safety of seafood consumption by Americans across the country; More than 40,000 acres of degraded ecosystems were restored as a result of Sea Grant activities; and Sea Grant supported more than 1700 undergraduate and more than 1400 graduate students, and some 800,000 K-12 students were reached with information about marine and Great Lakes science and resources. The National Sea Grant College program is one of the very few nationally competitive grant programs that can demonstrate this kind of real impact at the local, state and national levels.

Of ongoing concern is the need for increased and sustained support of satellite and in situ environmental observing systems. As reported in several prior and recent National Research Council studies, (*Observing Weather and Climate from the Ground Up, a Nationwide Network of Networks*, NRC, 2009), the needs are particularly acute for urbanized areas as well as mountain, ocean and coastal regions. Vertical profiles of variables such as water vapor, winds, and temperatures are virtually non-existent over land and are non-existent over water. Over land, the primary recommendation is for the placement of vertical profilers, vertically pointing radars, acoustic sounders and lidars that collect vertical observations of wind and temperature from the ground up through the lower atmosphere.

While we recommend sustained support for NOAA's satellite programs, we point out that this support *should not be at the expense of NOAA's extramural funding* of research, education and outreach. The FY 2013 NOAA budget would eliminate or drastically reduce the budgets of several programs including the National Undersea Research Program and the Prescott program under the Office of Ocean Exploration and Research. The FY 2013 NOAA budget also cuts budgets for replacing wind profilers and the initiative to develop a national Mesonet, which currently provides invaluable surface rainfall measurements throughout Oklahoma and parts of Arizona. We recommend restoring these funding lines along with supporting the satellite programs. To do this, we recommended a topline budget for NOAA of \$5.3 billion dollars.

We point out that extramural funding is cost effective. Its highly competitive nature ensures up-to-date qualifications and cutting-edge approaches without the continuing costs of developing, maintaining and updating these skills in house. It provides essential training in research skills to provide the next generation of researchers. Furthermore, NOAA has benefited enormously from its extramural partnerships, engaging hundreds of scientists in issues of direct and critical relevance to the Nation, at remarkably low cost. In 2004 the NOAA Science Advisory Board's Research Review Team report concluded:

"...Extramural research is critical to accomplishing NOAA's mission. NOAA benefits from extramural research in many ways, including: access to world class expertise not found in NOAA laboratories; connectivity with planning and conduct of global science; means to leverage external funding sources; facilitate multi-institution cooperation; access to vast and unique research facilities; and access to graduate and undergraduate students. Academic scientists also benefit from working with NOAA, in part by learning to make their research more directly relevant to management and policy. It is an important two-way street...***NOAA cannot accomplish its goals without the extramural community, specifically the universities and institutions that represent the broad range of expertise and resources across the physical, biological, and social sciences (emphasis added).*** Moreover, there is the important issue of maintaining a scientific and technologically competent workforce in NOAA and the workforce is another "product" of the extramural research community...Also it is important that during difficult budget periods that NOAA not disproportionately target the extramural research for budget cuts."

In 2007, the National Academies issued the report, “*Earth and Science Applications from Space: National Imperatives for the Next Decade and Beyond*.” The report found that between 2000 and 2009 funding for Earth Sciences (ES) had fallen substantially. ES research is absolutely critical to understanding climate change, such as the decline of Earth’s ice sheets and the health of the global oceans. For this reason, BOAC is heartened by the Administration’s request for NASA’s expanded and enhanced science mission. Past investments in NASA’s science mission have funded university research that has resulted in the development of new instruments and technologies and in valuable advances in weather forecasting, climate projections and understanding of Earth ecosystems.

Without the tools developed at NASA or with agency support, oceanic, atmospheric, hydrologic and earth-system scientists and the nation would have only a fragmentary picture of the interconnected functioning of the planet’s oceans, atmosphere and land. NASA is currently developing a sensor that will for the first time give scientists and resource planners a global picture of the world’s terrestrial water supplies. Currently many lakes and rivers are not monitored and there is no centralized location for water resource information. The NASA data archive is an irreplaceable collection of environmental information that researchers depend upon. Furthermore, through its support for young scientists and graduate students, the NASA science mission supports innovation. BOAC supports the NASA budget and applauds the special attention that the White House has paid to restoration of NASA science.

Finally, we support funding NASA to develop and implement a scatterometer mission with fast community access to those data, capability to distinguish between wind and rain and a higher orbit for coverage of Alaskan waters. The scatterometer has been a critical component of hurricane prediction.

NSF

BOAC supports funding of NSF, which is critical to U.S. basic research. NSF supplies almost two-thirds of all federal funding for university-based, fundamental research in the geosciences. GEO-supported research increases our ability to understand, forecast, respond to and prepare for environmental events and changes. Through facilities such as the Oceans Observatory Initiative, the Integrated Ocean Drilling Program, and NCAR-Wyoming supercomputer, NSF provides the academic community with advanced capabilities that it would not be able to afford if conducted through individual institutions. It does so without growing the needs for increased personnel, training and retooling in house at federal laboratories and while training the next generation.

The National Center for Atmospheric Research (NCAR), based in Boulder Colorado, is a Federally Funded Research and Development Center (FFRDC) of the National Science Foundation, managed by the University Corporation for Atmospheric Research (UCAR). It is funded out of the Atmospheric and Geospace Sciences Division of the Geosciences Directorate. The Administration has proposed a significant decrease in NCAR funding for FY 2013 at a time when its research and facilities have never been needed more, given the recent and continuing severe weather disasters plaguing this country, taking hundreds of lives and costing billions of dollars in property damage. NCAR performs research that positively affects the economy and saves lives. The laboratory makes weather forecasts more accurate, enables better prediction of severe storms, including tornadoes and hurricanes, and manages climate computer models that inform stakeholder decisions regarding agriculture, water resource management, transportation,

and energy resources. It extends the atmospheric sciences research capabilities of the nation's universities through management of weather and climate observing platforms such as research aircraft, radars, and satellites. The laboratory provides computing capacity to this broad community through the NCAR-Wyoming Supercomputing Center (NWSC), opening this year. The addition of this national geosciences facility adds new operating costs that will severely affect NCAR's research budget if the FY 2013 amount proposed by the President is appropriated. To cover NWSC operating costs and maintain the services NCAR is currently providing to the country, NCAR funding should increase by \$8 million in FY 2013. We urge you to support an appropriate increase for NCAR for FY13 rather than the requested decrease.

Summary

Together, NOAA, NASA, and NSF provide critical earth observations and research funding for scientists, engineers and mathematicians working to increase understanding of natural phenomena of economic and human significance. BOAC thanks the Committee for its continued support of these critical agencies.

About A·P·L·U

A·P·L·U (formerly National Association for State Universities and Land Grant Colleges) is the nation's oldest higher education association. Currently the association has over 200 member institutions located in all fifty states and territories. The Association's overriding mission is to support affordable, high-quality public education through efforts that enhance the capacity of member institutions to perform traditional and innovative roles in teaching, research and public service.

About the Board on Oceans, Atmosphere, and Climate

The BOAC's primary responsibility is to advance research and education in the oceanic/marine and atmospheric sciences through engaging scholars from its member institutions and through a robust federal relations program. The board has approximately 300 regionally distributed members, including some of the nation's most eminent research scientists, chief executive officers of universities, oceanic, atmospheric and hydrologic scientists, academic deans, and directors of Sea Grant programs.

*This testimony is submitted by Eric Barron solely in his capacity as co-chair of the BOAC of APLU, not as the President of Florida State University.

Thank you for taking time to review our recommendations.

Testimony of Anthony F. (Bud) Rock
 Chief Executive Officer, Association of Science-Technology Centers
 submitted to the
 House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
 March 22, 2012

Seeking Support for the Following Programs in FY 2013:
National Science Foundation – Education & Human Resources/Informal Science Education
National Oceanic and Atmospheric Administration – Education
National Aeronautics and Space Administration – STEM Education and Accountability

Introduction

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee—thank you for the opportunity to submit written testimony for the record. My name is Anthony (Bud) Rock, and I serve as the Chief Executive Officer of the Association of Science-Technology Centers (ASTC). My testimony will address the importance of science, technology, engineering, and mathematics (STEM) education, and will focus specifically on the fiscal year (FY) 2013 budgets for programs at three federal agencies for which your Subcommittee has jurisdiction: (1) the Informal Science Education (ISE)/Advancing Informal STEM Learning (AISL) program at the National Science Foundation (NSF), which would receive \$47.82 million in FY 2013, a \$13.58 million (22%) cut from the FY 2012 estimated level of \$61.40 million; (2) the education programs at the National Oceanic and Atmospheric Administration (NOAA), which would receive \$11.3 million in FY 2013, a \$13.8 million (55%) cut from the FY 2012 estimated level of \$25.1 million; and (3) the STEM Education and Accountability program at the National Aeronautics and Space Administration (NASA), which would receive \$37 million in FY 2013, a \$13 million (26%) cut from the FY 2012 estimated level of \$50 million.

Our Request

On behalf of ASTC and the 359 U.S. science center and museums we represent, I urge the Subcommittee to continue its strong support for STEM education programs within the three federal agencies cited above as its work on the Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Bill for fiscal year 2013 progresses. **Specifically, I urge you to do all you can to restore the proposed substantial cuts to NSF's ISE program, NOAA's Education Program Base (and, in particular, the Environmental Literacy Grants program (ELG) contained therein), and NASA's STEM Education and Accountability program. In addition, I hope you will consider including the following suggested report language that would clearly direct NSF to use the ISE/AISL program to continue to support public engagement in STEM:**

The ISE program will invest in the design, development, and implementation of models, resources, and public engagement programs for STEM learning throughout the lifespan. Proposals can use a broad range of communication formats and experiences, such as mobile and broadcast media, virtual learning environments, exhibitions, TV, radio, films, citizen science, and after-school and/or out-of-school programs. Investigators should make a case for the

innovative contributions of such deliverables, and should advance an informal learning infrastructure that deepens the public's—particularly students and teachers'—STEM expertise."

Including this report language in the CJS Appropriations Bill is a priority for ASTC, and it is offered in response to a change in the ISE program's focus that has lessened the positive community impact science centers and museums can have through securing ISE awards. ASTC hears from its members regularly—and has confirmed by viewing recent award listings—that the ISE program has become centrally focused on formal (university-led) research to the detriment of educational and public engagement efforts conducted through science centers.

About ASTC and Science Centers

ASTC is a nonprofit organization of science centers and museums dedicated to providing quality educational experiences to students and their families as well as furthering public engagement with science among increasingly diverse audiences. Now, more than ever before, we must spark the interests of our young people in all that science has to offer. This is exactly why community-based science centers throughout the country are providing unique educational programs that excite, energize, and enrich our understanding of science and its many applications—frequently with support from NSF, NOAA, and NASA, in addition to other federal agencies.

Science centers are unique places where visitors can discover, explore, and test ideas and, most importantly, learn how science impacts their quality of life. Their offerings are varied, and include interactive exhibits, hands-on science experiences for children, professional development opportunities for teachers, and educational programs for adults.

ASTC now counts more than 600 members, including 455 operating or developing science centers and museums in 45 countries. Collectively, these institutions garner 82 million visits annually worldwide. **Here in the United States, your constituents pass through science center doors nearly 60 million times to participate in intriguing educational science activities and explorations of scientific phenomena.** The most recent *Science and Engineering Indicators* (2012) generally affirms this data, offering that:

Involvement with S&T outside the classroom in informal, voluntary, and self-directed settings—such as museums, science centers, zoos, and aquariums—is another indicator of the public's interest in S&T. By offering visitors the flexibility to pursue individual curiosity, such institutions provide a kind of exposure to S&T that is well-suited to helping people develop further interest. In the 2008 [General Social Survey], 61% of Americans indicated that they had visited an informal science venue during the previous year. About half (52%) said they had visited a zoo or aquarium, and more than one-quarter had visited a natural history museum (28%) or an S&T museum (27%).

Science centers come in all shapes and sizes, from large institutions in metropolitan areas—like the Franklin Institute in Philadelphia, the Center of Science and Industry (COSI) in Columbus, and the California Science Center in Los Angeles—to smaller centers in less populated areas—like the Shenandoah Valley Discovery Museum in Winchester, Virginia, the Mary G. Harden Center for Cultural Arts in Gadsden, Alabama, and the University of Kansas Natural History

Museum in Lawrence, Kansas. ASTC works with science centers and museums—small, large, and everywhere in-between—to educate and inform visitors on critical societal issues, locally and globally, where understanding of and engagement with science are essential. As liaisons between the science community and the public, science centers are ideally positioned to heighten awareness of critical issues including energy, the environment, infectious diseases, and space; increase understanding of important new technologies; and promote meaningful informed debate between citizens, scientists, policymakers, and the local community.

Science Centers as an Integral Part of the Nation's Educational Infrastructure

Science centers are physical—and virtual—places where science and citizens meet. Many have scientists on staff, and some feature research facilities on-site. Through exhibits and programming—like lectures and science cafés—science centers bring current research findings to the public while encouraging discussion and debate of current science issues. More and more, science centers are also getting members of the public involved in research projects themselves.

Our centers reach a wide audience, a significant portion of which are school groups. **Here in the U.S., 90% of our members offer school field trips, and we estimate that nearly 11 million children attend science centers and museums as part of those groups each year.** Field trips, however, are just the beginning of what science centers and museums contribute to our country's educational infrastructure, as:

- 90% offer classes and demonstrations
- 89% offer school outreach programs
- 82% offer workshops or institutes for teachers
- 75% offer curriculum materials
- 71% offer programs for home-schoolers
- 56% offer after-school programs
- 41% offer programs that target senior citizens, and
- 39% offer youth employment programs.

The Importance of Federal Support for STEM Education

As the Subcommittee knows, there is a strong consensus that improving STEM education is critical to the nation's economic strength and global competitiveness in the 21st century. Reports like the National Academies' *Rising Above the Gathering Storm* (2005) and the President's Council of Advisors on Science and Technology's *Prepare and Inspire* (2010) have emphasized the need to attract and educate the next generation of American scientists and innovators, and have recommended that we increase our talent pool by vastly improving K-12 science and mathematics education. Clearly, in order to improve STEM education, we must draw on a full range of learning opportunities and experiences, including those in non-school settings.

In its report entitled *Learning Science in Informal Environments: People Places, and Pursuits* (2009), the National Research Council (NRC) of the National Academies said "beyond the schoolhouse door, opportunities for science learning abound..." The NRC found, among other things, that there is ample evidence to suggest that science learning takes place throughout the lifespan and across venues in non-school settings. Furthermore, the report highlighted the role of

after-school STEM education in promoting diversity and broadening participation, finding that non-school environments can have a significant impact on STEM learning outcomes in historically underrepresented groups, and that these environments may be uniquely positioned to make STEM education accessible to all. Given the important role science centers and museums play in the education of both students and teachers, ASTC strongly supports the STEM education activities of NSF, NOAA, and NASA.

National Science Foundation

Located within NSF's Directorate for Education and Human Resources (EHR) and the Division of Research on Learning in Formal and Informal Settings (DRL), the Informal Science Education program (which NSF proposes to rename "Advancing Informal STEM Learning") supports innovation in anywhere, anytime, lifelong learning through investments in research, development, infrastructure, and capacity-building for STEM learning outside formal school settings.

For years, ISE funding has supported museum-community partnerships like "LEAP Into Science," a collaboration between Philadelphia's Franklin Institute and the Free Library of Philadelphia Foundation that identifies the role of crucial intermediaries in the science learning of children and points to the opportunities offered through a museum and library partnership to provide engaging science resources in under-resourced communities where many adults lack science expertise and confidence. Through an emphasis on literacy and science, LEAP into Science builds the capacity of after-school leaders, teens, and parents to be competent science learners and facilitators and to connect science centers, parents, and libraries in support of the science learning and achievement of children. Project features include a workshop model for families with K-4 children, enrichment sessions for after-school students, family events at the Franklin Institute, professional development for library and after-school youth staff, and a national expansion conference. LEAP Into Science programming is now featured at 10 expansion sites across the nation, including those in New York and Ohio.

Funding for NSF's ISE program has hovered between \$61 million and \$65.8 million since FY 2003. For FY 2013, NSF is requesting \$47.8 million, a \$13.58 million reduction from the FY 2012 estimated level of \$61.4 million.

National Oceanic and Atmospheric Administration

Since 2005, NOAA's Office of Education has helped advance public environmental literacy and STEM learning through the Environmental Literacy Grants (ELG) program, a competitive grant program that supports formal and informal/non-formal education projects implemented on regional to national scales. The ELG program's primary mission is to increase the understanding and use of environmental information to promote stewardship and increase informed decision making by U.S. educators, students, and the public, which directly contributes to NOAA's mission. The ELG program is the longest standing and most comprehensive national grants program focused on environmental literacy, and through this focus, makes a distinctive contribution to STEM education.

To date, 75 competitive awards have been made, supporting a wide range of projects including teacher training, experiential learning for youth and families, and the development of media products and public opinion research. In 2010, NOAA provided funding to help the Science Museum of Virginia in Richmond—along with a team of federal, state, and private institutions—create the Earth System Display Center based on the popular *Science on a Sphere* (SOS) platform. The Center's goal is to capture visitor attention, spur interest in climate change literacy, and demonstrate the local impacts of energy consumption, stormwater management, agriculture practices, and climate change can have a global effect. SOS is a centerpiece of the museum's overall interpretive program and a catalyst for meaningful interaction and learning.

Over the last two fiscal years, the NOAA Education Program Base has received \$24.95 million (FY 2011 spending plan) and \$25.09 million (FY 2012 estimated), while Competitive Education Grants saw \$8.04 million in funding (estimated) in FY 2012. For FY 2013, NOAA proposes cutting \$6.3 million from its Education Program Base, which includes a termination of its Competitive Education Grants/Environmental Literacy Grants program.

National Aeronautics and Space Administration

NASA's education programs inspire interest in STEM among America's youth and have a positive impact on the number of students who are proficient in STEM and choose to pursue careers in STEM fields. NASA Education accomplishes its mission through mutually beneficial relationships with colleges and universities, elementary and secondary schools and school districts, and over 400 museums and science centers. The STEM Education and Accountability program provides competitive opportunities for NASA Centers, visitor centers, institutions of informal education, schools, universities, and non-profit organizations, who develop lessons, materials, research opportunities, and hands-on activities that draw on NASA's unique missions.

NASA's STEM Education and Accountability projects received \$50 million in funding (estimated) for FY 2012. For FY 2013, NASA proposes \$37 million, a \$13 million reduction.

Conclusion

While I appreciate the extremely challenging budget scenario that confronts the Subcommittee, I urge you to recognize the importance of the STEM education offerings science centers and museums provide to students, families, and teachers—and the integral related federal support provided by NSF, NOAA, and NASA—by: (1) including report language that will ensure NSF returns the focus of its ISE/AISL program towards supporting public engagement in science; (2) restoring funding for the ISE/AISL program to its FY 2012 estimated funding level; (3) rejecting the proposed termination of NOAA's Competitive Education Grant Program and restoring the NOAA Education Program Base and the Competitive Education Grants/Environmental Literacy grant programs to their FY 2012 estimated funding levels; and (4) restoring proposed cuts to NASA's STEM Education and Accountability program by providing the FY 2012 funding level.

Thank you once again for your strong support for America's science centers and museums—and for the opportunity to present these views. I would be happy to respond to any questions or provide additional information as needed by the Subcommittee.



Dr. William Smith, President
 Dr. Heidi B. Hammel, Vice President
 Association of Universities for Research in Astronomy

Submitted to the
 Committee on Appropriations
 United States House of Representatives
 Subcommittee on Commerce, Justice, Science and Related Agencies

on
 The President's Fiscal Year 2013 Budget Request for NASA
 22 March 2012

On behalf of the Association of Universities for Research in Astronomy (AURA), we are submitting comments on the fiscal year 2013 request for the National Aeronautics and Space Administration (NASA) and the National Science Foundation (NSF). AURA is a not for profit consortium of 41 universities dedicated to the advancement of astronomy. AURA operates world-class astronomical observatories including the Space Telescope Science Institute, the National Optical Astronomy Observatory, the National Solar Observatory, the Gemini Observatory, and the Large Synoptic Survey Telescope. We first make general remarks about the relevance of astronomy to the nation, and then address the NASA and NSF requests.

Importance of Astronomy to the United States

We are often asked, "What puts *astronomy* in the must-have category as opposed to the nice-to-have category? Why are NASA and its space telescopes, and NSF and its ground-based facilities, of such national importance in these fiscally constrained times?" There are many answers to this question. One answer focuses on technology. Our national objectives include scientific and engineering leadership, an educated workforce, high technology capabilities and leadership, and jobs that create other jobs. Advances in astronomy, especially for a high-technology space mission like the James Webb Space Telescope (JWST), absolutely require major advances in technology and innovation in engineering as well as new hardware and new testing capabilities in our national aerospace industry groups. Likewise, the Large Synoptic Survey Telescope (LSST) pushes technology boundaries for data volume transfer and cyber-infrastructure at the National Science Foundation. This space- and astronomy-related technology is uniquely American, thus it leads to "home grown" solutions, i.e., to new small businesses and high-tech jobs. High-tech businesses and their related jobs have a high multiplicative factor, that is, they result in other jobs, many local. Such businesses also use what they learn on a program like JWST to improve and expand their business and to provide products for other science projects, or for unrelated areas where a new market may open up as a result of their expanded capability.

Beyond enhancing our crucial high-technology industrial base, NASA's science endeavors operate out in the open, unlike many of the US's advanced technology undertakings. The inspirational value of a space mission like JWST or a telescope like LSST can be profound, as has already been demonstrated by the Hubble Space Telescope. Educators and others on the front line of science, technology, engineering and mathematical (STEM) development include results from astronomy's premier flagship Hubble as a key tool in their arsenal. Every science teacher striving to engage and excite a class can point to an image taken by the Hubble Space Telescope and say, "only the United States can do this." Each year, Hubble's education programs reach over 500,000 pre-service and in-service teachers in the US and over six million school children use Hubble material in their curricula. JWST, like Hubble before it, will continue to demonstrate US leadership in these STEM fields that are so crucial to our country's future.

In yet another answer, we highlight the special appeal of astronomy, and how this appeal fundamentally affects us as a nation (this is distinct from the educational aspects in the previous paragraph). Almost everyone who has stood outside on a dark night and seen the stars has wondered, curious about what is up there and whether we are alone. It lies deep within our nature as human beings to wonder about our origins, and about our place in this vast cosmos. As the Hubble Space Telescope has demonstrated with its amazing pictures, people everywhere connect directly to the remarkable science from such telescopes, in large part to satisfy this innate curiosity and to continually refuel this sense of wonder.

For us in the US, it has been a matter of national pride that as the world's most powerful country we can, and should be, working at the forefront of scientific exploration in some areas. Being able to explore the universe in ways that no other country can is good for our national soul. Invariably as a country develops and its people move beyond day-to-day survival, there develops a sense that the nation must reach out and explore with its newly found capabilities. China and India and Brazil are all now embarking on the path of scientific exploration that the United States been on for many decades. Our nation will always face difficulties of one kind or another, but our quest for knowledge and understanding is something that needs to be continued if we are not to cede leadership to others.

National Aeronautics and Space Administration

We would like to thank the House Appropriations Committee for your past support for NASA and in particular for the James Webb Space Telescope (JWST). As the successor to the Hubble Space Telescope and NASA's top science priority, James Webb Space Telescope will demonstrate again US leadership in international scientific endeavors through the excitement of scientific exploration of our Universe. Both the European and Canadian space science communities are significant partners with NASA in JWST precisely because JWST, with 100 times the power of Hubble, is a unique scientific endeavor that only the US can do.

The importance of JWST for US leadership in space

For over 30 years, the astrophysics community, through its Decadal Surveys, has reaffirmed that what is needed to carry out its scientific objectives are a balanced program of small, medium and

large missions and projects. What has become evident with Hubble, Chandra, and Spitzer is that Observatory-class missions (sometimes called “flagships”) are very cost-effective research tools. They are expensive, but they return cutting-edge results in diverse research areas for years while serving a very broad community. For example, the current number of Hubble users exceeds 8,000 scientists. In addition, missions of this scale have a demonstrated potential to engage the public in the excitement of scientific discovery. While we, and others, remain concerned about JWST’s cost growth, we still see continuing interest in having flagship missions as central to the astrophysics community’s strategic plans, and we offer strong support for JWST in particular.

We emphasize two important points regarding US leadership in space science. First, doing any mission in space is hard, but doing significant cutting-edge missions (that is, missions that will have a revolutionary impact on science) are -- *by their very nature* -- “one off” endeavors and hence will always be extraordinarily challenging to design, develop, and operate. Second, medium or small science missions are within the capabilities of other space science agencies such as ESA or JAXA. As the recent debate over ESA’s Euclid mission versus NASA’s WFIRST mission demonstrates, US “leadership” becomes far more complex at the smaller mission scale. The US space science program will remain unique only so far as it retains the capability to field powerful missions such as Hubble, the Mars Surface Lander, and JWST.

JWST cost

The cost growth for JWST was thoroughly investigated by the Congressionally-mandated Independent Comprehensive Review Panel (ICRP) in 2010. Mistakes were made and management failures occurred. NASA Administrator Mike Griffin realized early in his tenure that big programs at NASA had inadequate reserves (that is, the mission budgets did not have adequate funds to quickly rectify problems that naturally arise during development of a new, one-off high-technology mission). Administrator Griffin established a new agency policy that missions like JWST were to be costed and budgeted to 70% confidence level (a 70% likelihood that the project could be accomplished within the allocated budget). Unfortunately, JWST continued to be run with inadequate reserves, deferring work whenever problems arose. The recognition of this problem by the middle of 2008 led to efforts to apply additional reserves to the JWST project. However, the lag in the federal budget process meant that reserves could not be made available quickly. As the ICRP highlighted, this deferral of work drove up the cost of JWST (such deferral in high-technology projects typically leads to the work costing 2-3 times as much). A key lesson from the ICRP is that adequate reserves must be carried by budgeting to a high level of confidence: 80% confidence.

NASA conducted a thorough replan of the JWST project in response to the ICRP, identifying the comprehensive cost for JWST with the full 80% confidence. The design and development cost in this replan was \$8.0B to launch in 2018. NASA, OMB and Congress eventually responded positively to NASA’s replan, and Congressional action in late fall 2011 finally gave JWST the required FY2012 funding needed to achieve launch in late 2018. We were delighted with the positive response of NASA to the ICRP recommendations, and were similarly delighted with the response of Congress to NASA’s replan, as well as the positive response of the science community and the interested public.

Congress has played a very important role in helping NASA identify the problems with the JWST program and in getting it back on track to launch. The House Appropriations Committee initiated an intense and wide-ranging discussion of JWST and its role in the nation's scientific arsenal. It, along with the earlier requests from the Senate for clarification on what was happening on JWST, led to a broader understanding of the issues surrounding the JWST project and of what was needed to complete and launch a mission of JWST's size and scientific importance. The action by the House Appropriations Committee in early July 2011 particularly provided a crucial incentive for NASA and the Administration to explain to Congress what it would take to complete JWST. While it was a challenging period for all, the JWST program was undoubtedly strengthened by the actions of the Congress.

Importance of JWST to astronomy

JWST is incredibly more powerful than current telescopes. While it is hard to capture the gains from a telescope in a single number, JWST can be characterized as having about 100 times the power of the Hubble Space Telescope and about 1000 times the power of the Spitzer Space Telescope. Hubble has revolutionized our knowledge of the growth of the universe, of galaxies like our own Milky Way, of the role that the still-unexplained dark matter and dark energy have played in the life of our universe, and played a major role in the characterization of planets around other stars. Yet so much more remains to be discovered. JWST will explore parts of our universe that cannot be detected by any other operational or planned facility. JWST will provide insight into the first stars and galaxies in the universe to help us understand far better how galaxies assembled from the first tiny objects to the massive spirals of today. JWST will make major steps forward in measuring how dark energy influences the nature of our universe and in understanding the impact of dark matter on galaxies. When JWST was first conceived we had only just begun to discover planets around other stars. Today we know of thousands, and because of JWST's unique capabilities, this telescope will become a powerful tool for searching for liquid water on extra-solar planets – a goal that was unimaginable a decade ago. Beyond these things (things that we can anticipate), lie the great unknowns of our Universe. The most exciting results usually arise from the unexpected. A telescope that is 100-1000 times better than today's best will undoubtedly reward us with serendipitous discoveries that we haven't yet imagined.

Summary for NASA and JWST

NASA is as much a part of our national heritage as apple pie and baseball. Among the iconic successes of NASA's space program, the Hubble Space Telescope will be remembered as an amazing achievement for the US. JWST is a worthy successor to Hubble. With the recent help of this Committee, JWST is now on track for its 2018 launch. Since the program's difficulties were brought to light and addressed, the JWST project has achieved a steady stream of milestones (updated monthly at (<http://www.jwst.nasa.gov/recentaccomplish.html>)). We hope that the Committee continues to support the James Webb Space Telescope at the full level requested by NASA. Adherence to the replan's funding profile will enable the launch of this facility in 2018 at the lowest cost to the US tax payers, and will poise the United States for another decade of leadership in the field of space science.

AURA recommends \$627,600,000 in accordance with the request level. NASA has provided a revised cost profile in the FY13 budget submission, and is reporting positive progress in meeting a 2108 Launch Readiness Date. The successful execution of the remaining development program within the Congressional cap of \$8,000,000,000 requires adequately funding the program and planned reserves throughout the remaining construction period.

National Science Foundation

As the principle agency responsible for ground-based astronomy, it is critical that the NSF maintain an infrastructure that provides the general astronomical community with open access to federally funded observatories. Implementation of the highest priorities of the 2010 Decadal Survey will require a rebalancing of the NSF investments in astronomy; NSF has thus initiated a Portfolio Review. Key to this exercise will be assumptions regarding the potential growth in the level of funding for astronomy. From 2000 to 2010, the funding for astronomy within the NSF doubled, which represents growth of nearly 50% accounting for inflation. Although the NSF does not forward-project substantial increases for astronomy, it has managed to keep pace. In FY13, the NSF has proposed holding its funding for astronomy infrastructure constant while increasing cross-cutting initiatives.

It is crucial that the Portfolio Review result in a balance between optical and radio astronomy and sustain an infrastructure that ensures continued open access to public astronomical facilities.

AURA welcomes the line item identification of pre-construction funds for future major construction projects, including the Large Synoptic Survey Telescope, the top ranked ground-based priority for astrophysics in the coming decade. This joint NSF DOE project will provide unprecedented views of the changing sky and will drive key advances in cyber-infrastructure and large-volume data management.

AURA requests \$7.5 M for LSST in accordance with the request level in order to make progress towards a potential new start in 2014 or 15. This will enable the project to address all remaining risk areas prior construction.

For the Advanced Technology Solar Telescope (ATST), construction has been impeded by a lack of access to the site in Haleakala for legal and administrative reasons. As a result, planned contingency funding for ATST has eroded and it will exceed the authorization by the National Science Board. The ATST was approved for construction in 2009 with a total construction cost of \$297.9M. Of this, the Congress appropriated \$153M in FY09 and \$13 M in 2010. In 2011, the appropriations fell considerably short of what was requested, resulting in some re-adjustment of out-year funding.

It is important to ensure that the FY13 request of \$25M be fully met and that a re-base lining of the remaining construction project be established.

Written Testimony Submitted to House Committee on Appropriations, Subcommittee on
Commerce, Justice, Science, and Related Agencies
on behalf of the Atlantic States Marine Fisheries Commission (ASMFC)
John V. O'Shea, Executive Director

The Atlantic States Marine Fisheries Commission (ASMFC) is seeking funding support under the Fisheries Research and Management section of the National Oceanic and Atmospheric Administration's (NOAA) Fiscal Year 2013 (FY13) budget. Specifically, ASMFC requests the "Interstate Fish Commissions – Atlantic Cooperative Management" under NOAA's "Regional Councils & Fisheries Commissions" line item be funded at its authorized level of \$10 million. In addition, ASMFC requests the state "Interjurisdictional Fisheries Grants" be funded at \$5 million, and the "Interstate Fish Commissions" be funded at \$900,000, their authorized level under the Interjurisdictional Fisheries Act. Attached are letters submitted to Subcommittee Chairman Frank Wolfe, Subcommittee Ranking Member Chaka Fattah and NOAA Administrator Dr. Jane Lubchenco that provide further information on ASMFC's request. It is requested that these letters also be included in the record.

Atlantic States Marine Fisheries Commission

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Paul Diodati (MA), Chair
Dr. Louis Daniel, III (NC), Vice-Chair

John V. O'Shea
Executive Director

Working towards healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration well in progress, by the year 2015

The Honorable Frank R. Wolf, Chair
House Appropriations Subcommittee
on Commerce, Justice, Science, and Related Agencies
H-310 U.S. Capitol
Washington, D.C. 20515

March 1, 2012

Dear Chairman Wolf,

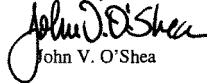
Thank you for your continued interest and advocacy of restoring the Chesapeake Bay and the coastal fisheries it supports. As a partner in managing these fisheries, this letter requests your support for funding the Commission and the Interjurisdictional Fisheries Grants at their authorized levels for FY 2013. These items are under the Fisheries Research and Management section of the NOAA budget. Specifically, we request:

- Regional Councils & Fisheries Commissions
 - \$10 million for "Interstate Fish Commissions – Atlantic Cooperative Management"
- \$5 million for "Interjurisdictional Fisheries Grants" (\$900K for "Interstate Fish Commissions")

Since 1942 our 15 member states have worked cooperatively through our Commission to manage important stocks, such as striped bass, menhaden, summer flounder, and bluefish. All of these are important to both the Virginia and Atlantic coast commercial and recreational fishing communities. The Atlantic states have reduced the number of overfished stocks by over 50% during the past decade and have been successful in putting more fish in the water for the sustainable benefit of all users. These efforts by the states and Commission have resulted in healthy fisheries annually generating \$1 billion worth of harvest value from Maine to Florida. The funds we are seeking will provide critical help to our member states to support their established marine fisheries management programs. We firmly believe that healthy and abundant fisheries have been proven to generate significant jobs and economic benefits to the coastal communities of all of our states.

Through the Commission process, the states have had nationally-recognized fisheries management success rebuilding the striped bass fishery along the coast. This process is transparent, inclusive, and provides flexibility for states to meet conservation goals while accommodating regional stakeholder needs. Though we are disappointed in the \$1 million decrease in the budget requested by the President, the need remains for funding at the authorized level to continue our essential fisheries rebuilding efforts. Please let me know if we can provide you or your staff additional information.

Sincerely,



John V. O'Shea

CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE,
NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, VIRGINIA

Atlantic States Marine Fisheries Commission

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John V. O'Shea
Executive Director

*Working towards healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration
well in progress, by the year 2015*

The Honorable Chaka Fattah
Ranking Member
House Appropriations Subcommittee
on Commerce, Justice, Science, and Related Agencies
1016 Longworth House Office Building
Washington, D.C. 20515

March 1, 2012

Dear Ranking Member Fattah,

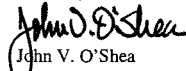
Thank you for your ongoing support for the Commission and its fisheries research and management programs. As a partner in managing these fisheries, this letter requests your support for funding the Commission and the Interjurisdictional Fisheries Grants at their authorized levels for FY 2013. These items are under the Fisheries Research and Management section of the NOAA budget. Specifically, we request:

- Regional Councils & Fisheries Commissions
 - \$10 million for "Interstate Fish Commissions – Atlantic Cooperative Management"
- \$5 million for "Interjurisdictional Fisheries Grants" (\$900K for "Interstate Fish Commissions")

Since 1942 our 15 member states have worked cooperatively through our Commission to manage important stocks, such as striped bass, shad, and river herring. All of these are important to not only the Pennsylvania fishing community but the commercial and recreational fishing communities along the entire Atlantic coast. The Atlantic states have reduced the number of overfished stocks by over 50% during the past decade and have been successful in putting more fish in the water for the sustainable benefit of all users. These efforts by the states and Commission have resulted in healthy fisheries annually generating \$1 billion worth of harvest value from Maine to Florida. The funds we are seeking will provide critical help to our member states to support their established marine fisheries management programs. We firmly believe that healthy and abundant fisheries have been proven to generate significant jobs and economic benefits to the coastal communities of all of our states.

Through the Commission process, the states have had nationally-recognized fisheries management success rebuilding the striped bass fishery along the coast. This process is transparent, inclusive, and provides flexibility for states to meet conservation goals while accommodating regional stakeholder needs. Though we are disappointed in the \$1 million decrease in the budget requested by the President, the need remains for funding at the authorized level to continue our essential fisheries rebuilding efforts. Please let me know if we can provide you or your staff additional information.

Sincerely,


John V. O'Shea

CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE,
NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, VIRGINIA

Atlantic States Marine Fisheries Commission

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Robert H. Boyles, Jr. (SC), Chair
Paul Diodati (MA), Vice-Chair

John V. O'Shea
Executive Director

*Working towards healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration
well in progress, by the year 2015*

The Honorable Jane Lubchenco
Under Secretary of Commerce for Oceans and Atmosphere
U.S. Department of Commerce
14th Street and Constitution Avenue, NW
Washington, D.C. 20230

February 22, 2011

Dear Dr. Lubchenco,

I am writing to ask for your assistance in securing funding for our states and Commission in the President's FY 2013 budget request. I request the Atlantic Cooperative Management line item be funded at the authorized level of \$10 million. In addition, I request a dedicated line item of \$1.6 million for the Northeast Area Mapping and Assessment Program (NEAMAP).

The Atlantic Cooperative Management line item funds the Commission, whose strategic goals support NOAA's Next Generation Strategic Plan. The ASMFC provides a mechanism for interstate management, working to sustain and rebuild fish populations, thus supporting NOAA's key goal of supporting healthy oceans and sustainable populations and communities. With an established structure for coordination, the ASMFC provides a forum for greater cooperation between the states and NOAA.

A NEAMAP line item would ensure consistent support for this program as well as the Maine/New Hampshire Inshore Trawl survey; both supplement NOAA's offshore fisheries surveys. These surveys have received political support, including that from Representative Pingree and Senators Schumer, Collins, and Snowe. As you know, cooperative research has been well-received and supported by recreational and commercial fishermen from coast to coast.

The ASMFC's vision statement of healthy, self-sustaining populations complements NOAA's own Vision of the Future. The ASMFC structure has allowed for regional solutions to complex problems while moving towards healthy stocks. Our Commissioners recognize the need to control the potential increase in fishing effort on state stocks resulting from increased federal management and closures. The ASMFC has a proven ability to facilitate management and rebuild stocks. Given our efficiency in providing for interstate management and discussion, I believe that these modest investments will assist NOAA in its pursuit of healthy oceans, sustainable fish populations, and vibrant coastal communities.

Sincerely,

John V. O'Shea
John V. O'Shea

cc: Eric Schwaab
Dr. Doug DeMaster
Dr. Paul Doremus
Dr. Ned Cyr

CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE,
NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, VIRGINIA

*P.S. NEAMAP has
an important outreach
component. Commercial
fishermen promoting
science to other fishermen.
It doesn't get better
than that.*

**TESTIMONY OF
MARY A VITALE, PRESIDENT
BELLEFONTAINE PARENTS ASSOCIATION
March 22, 2012**

**U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS/
Subcommittee on Commerce, Justice, Science & Related Agencies**

Re: U.S. Department of Justice/Civil Rights Division's Olmstead and ADA Enforcement

Chairman Wolf and Members of the Committee:

Thank you for the opportunity to submit written testimony regarding appropriations for the Department of Justice/Civil Rights Division. The Department is requesting additional personnel of 50 positions and resources of \$5.1 million to strengthen civil rights enforcement efforts that the Attorney General has identified as part of his Vulnerable People Priority Goal. My written testimony today is limited to DOJ's activities under CRIPA (Civil Rights of Institutionalized Persons Act) and the ADA (Americans with Disabilities Act), which are included in this program area.

The Civil Rights Division's programs called "Enforcement of the Integration Mandate of the Americans with Disabilities Act (ADA) and Olmstead v. L.C." are aggressive legal actions against states which operate licensed, Medicaid-certified congregate care programs for individuals. In Missouri, these homes are called habilitation centers.

The Division's mission is to eliminate the option of state-operated congregate care for individuals with disabilities in the misguided notion that the Division knows what is best for my brother rather than myself as a court appointed legal guardian for the past 30 years. I have spent many days making loving and agonizing decisions concerning the welfare of my brother.

My 58 year old brother has the diagnosis of severe mental retardation (now called intellectual disability). My brother has a sparkling smile. He has always enjoyed listening to music and animal stories with lots of drama and happy endings. His favorite snack from me is a chocolate shake. His mental capacity is that of a 3-4 year old. He has never been able to walk, using a wheelchair to get around. He has never been able to talk, using gestures and facial expressions to try to communicate. He has severe agitated behaviors that are being minimized. He is on a choking precaution and a pureed diet because of swallowing abnormalities. He is totally dependent upon others for all his daily needs. Despite all these disabilities, I can tell you my brother is a happy man! The care and services he receives at the Bellefontaine Habilitation Center has allowed him to attain and maintain his highest God-given abilities. Miracles are worked every day of the week at these habilitation center homes!

Missouri has several habilitation centers across the state. Because of the close proximity of my brother's home my family has celebrated birthdays and holidays with him. We have gone to doctor's appointments, and have sat for weeks at his hospital bed nursing him moment by moment back to health. My children have always enjoyed visits with my brother. Now my 5 yr old and 3 yr old grandchildren are coming with me for visits. He is happy to see them, and they argue over who gets to push him first! The 5 year old commented that "This place is really cool – he has everything he needs!"

In fact, several families who have come to habilitation centers from the community for crisis services are thrilled with the care received, and comment that their loved ones are doing better than they have done in several years because of all the specialized supports located on one campus! They want their family member to stay at a habilitation center!

Have any of you seen a miracle? I have – every time I go visit my brother – I see miracles –miracles made possible because of the hard work of staff members and the comprehensive services available at habilitation centers. These services include:

BELLEFONTAINE HABILITATION CENTER: A THRIVING COMMUNITY AND A GOOD NEIGHBOR

A day in the life of a BHC resident

HABILITATION CENTERS ENVIRONMENT:

**** These facilities excel in several critical areas:**

1. availability of medical care, on and off campus
2. accessibility of on campus services such as speech, physical, and occupational therapy
3. variety of programs and work opportunities, on and off campus
4. recreational opportunities, on and off campus

**** Habilitation centers (ICFs/MR) have the highest level of oversight to prevent abuse and the most recourse to investigate allegations of abuse. Waiver options waive some oversight regulations.**

**** Habilitation centers (ICFs/MR) require comprehensive mandatory services. Under a waiver option, states can waive services.**

On campus activities:

Therapeutic Swimming:

Residents participate in an on campus therapeutic swimming program. They utilize the pool for 30 minutes as scheduled and up to four times per week depending on their needs. Relaxation, socialization, learning to swim, water exercise, and learning to be safe in the water are part of this program.

Recreation Swimming: The pool is open some evenings for recreation swimming. This is open to anyone who wants to come to relax and have fun in the evening.

Daily Gym Program: The gym is open daily, 9:00 a.m. – 4:00 p.m. for exercise, sports and small group activities. There is an exercise program held three times a week.

Evening Gym Program: The gym is open every evening, 6:00 p.m. – 8:00 p.m. There is a different program each evening which includes movie night, basketball, volleyball, rollerskating, small group activities on the stage, bingo, and weekly dances.

Evening Activities: There are also additional activities offered in the evening which include cooking dinners, cooking snacks and making crafts. These are held in the Elliott kitchen and are open to everyone at the facility.

Holiday Programs: Four times a year for Valentine's Day, Easter, Halloween, and Christmas, a band is hired for a special holiday dance including refreshments, pictures, and lots of decorations.

Vacations: Throughout the year vacations are planned for some of the residents. These vacations include going to Camp Babler in Chesterfield, Carlyle Lake, Lake of the Ozarks, and Pere Marquette.

Community Events: Tickets are purchased to various events in the community such as Cardinal baseball games, circus, and Six Flags.

Picnic: This is an annual event sponsored by the Parent's Association in September. Everyone enjoys a picnic lunch followed by games, music and prizes. Music is played throughout the day by a DJ and there are guest performers. This is a fun filled day of entertainment.

Elliott Pet Room: Animals in the pet room are cared for with the assistance of some of the residents. On a daily basis, all cages are cleaned and animals fed.

Spring and Fall Cleaning: There is organized Spring and Fall grounds cleaning and planting. Everyone is encouraged to participate to enhance the outside of the homes and buildings on campus.

Religious Services: Residents attend various religious services each week.

Off campus outings:

Shopping: Flea Market, Jamestown Mall, Kmart, Walmart, American, Mills Mall, Dollar Store, Game Stop, Radio

Shack, Target, Family Video, Men's Warehouse, Shoe Carnival, Union Station, Payless, Best Buy

Parks: Spanish Lake Park, Theis Farm, Creve Couer Park, Zoo, Bellefontaine Park, Forest Park

Restaurants: Culvers, China King, Subway, Golden Corral, Chilis, Cici's Pizza, Incredible Pizza, McDonalds, Stone Cold Creamery, Dairy Queen, Imo's Pizza, Burger King, Sweetie Pies, Ponderosa, Hometown Buffet, KFC, White

Castle, Buffalo Wild Wings, Charlie's Steakery, 54th Street Grill, TGI Fridays, Fazolis

Sports events: Special Olympics Softball, Dick Weber Bowling, Bridgeton Sports Complex, Special Olympics, Track & Field events, Swing Around Fun Time

Other: Recycling center, Fair St. Louis, Botanical Gardens, Ameristar, Dave & Busters, St. Louis County Library, Great Clips, Fishing, Slam Football games, Church, Movies, History Museum

HABILITATION CENTERS OFFER SO MUCH TO RESIDENTS.

WHY IS THE DEPARTMENT OF JUSTICE TRYING TO CLOSE THESE SUCCESSFUL, STABLE, COST-EFFECTIVE HOMES?

I am in contact with families across the state of Missouri and across the country. Their stories are much the same as mine. We are extremely alarmed at the relentless efforts to eliminate licensed, Medicaid-certified congregate care programs for individuals diagnosed with a severe intellectual disability. Many times these individuals, such as my brother, also have multiple physical impairments, severe behavior challenges, and ongoing medical conditions

Through costly litigation and arbitration, the Department of Justice Civil Rights Division desires to close homes like where my brother lives, with total disregard of legal guardian decisions. DOJ recent actions in Georgia, Arkansas, and Virginia confirm this mission.

We believe these actions are a gross misinterpretation of current laws:

The United States Code states: “individuals with developmental disabilities and their families are the primary decision makers”

The Code of Federal Regulations states: “given the choice of either institutional or home and community-based services”

June 1999 Olmstead decision by the Supreme Court states: “This Court emphasizes that nothing in the ADA or its implementing regulations condones termination of institutional settings for persons unable to handle or benefit from community settings. Nor is there any federal requirement that community-based treatment be imposed on patients who do not desire it.”

It is appalling that our federal government through the U.S. Department of Justice has so grossly misinterpreted these laws to intimidate state authorities into unfair settlement agreements resulting in closures of safe, healthy, supportive homes for our family members who need so much assistance. I am very much aware that the Missouri legislature is proposing SB449 and HB1077 in anticipation and fear of future DOJ actions. These bills call for the closure of habilitation centers and attack the rights of court appointed legal guardians.

It is also appalling that federal tax dollars are being spent to undermine and dismantle this system of care that is protected by current U.S. laws. The residents living in these centers need and deserve the level of care provided in these centers to continue to live a decent life and die a natural death, not death caused by lack of proper care. Eliminating these services is truly like pulling the plug on the life support needed by these residents, over the objections of loving families. The results will be avoidable death, abuse, and neglect.

A friend, Theresa Barnes, is quoted below in her note to the Missouri Senate. Her thoughts capture the distress of families across the country, fearing the closure of congregate living centers for the intellectually disabled.

“A mother’s dread of SB449 – Dear Senators, Once again I feel the dread that just when things are going so well for our son, Henry, everything will go incredibly wrong should SB449 pass. We will continue to write as long as this threat looms. Whenever I run into people in Poplar Bluff, the possible closure of SEMORS comes up, and nobody, and I mean nobody, understands it. Repeatedly since 2009, there have been rumors of the closure of SEMORS. Can you not understand the constant worry and distress that this is causing? We know what is best for our son because we can see it in his face and in his eyes every time we see him. He is a man finally comfortable in his own skin. This is what habilitation centers accomplish for all of our severely challenged adults in the state of Missouri through hard work, patience, and dedication. We should be celebrating these centers instead of threatening to close them. Closing the centers would be a disaster that future generations would have to correct. Thank you for your time and consideration. Sincerely, Theresa Barnes”

Request

The comprehensive and devastating reach of the Civil Rights Division agenda on the most vulnerable among us requires vigilant Congressional oversight. We request this subcommittee’s review and action by: 1) halting the misguided mission of the Civil Rights Division of the Department of Justice, as described above; 2) discontinuing to fund the de-institutionalization programs of the Civil Rights Division of the Department of Justice; 3) placing restrictions on the Civil Rights Division’s programs, limiting its funds to bring actions that drive states out of their roles in providing care for our most severely impaired developmentally disabled citizens, all under the mask of “civil rights”.

Personal Testimony to the U.S. House of Representatives Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies Concerning the NASA Fiscal 2013 Budget

Dr. Benjamin Rode
March 21, 2012
Leander, Texas

In the history of any culture it is possible to discern critical choice points where the choices and actions of a handful of individuals has the power to determine national history for good or ill. It may be that we are come to such a point with respect to the question of America's future in space, as Congress begins to debate the proposed federal budget for fiscal year 2013. With NASA having already backed out of its agreement with the European Space Agency on the Mars 2016 orbiter and 2018 rover missions, the agency now faces a 20% budget cut that threatens missions of discovery to the outer planets, future Mars missions, and the search for life elsewhere in the solar system and beyond. As an interested citizen, I want to express my concern, in the strongest terms, regarding the priorities reflected in NASA's FY13 budget, and to endorse the Planetary Society's recommendations that approximately 3 percent from within NASA's total budget be reallocated to rebaseline the share for Science to at least

30 percent, and that the \$300 million cut to Planetary Science be restored to fund this item at \$1.5 billion - a modest rebalancing that will allow NASA to fully implement the decadal survey for Planetary Science, send a mission to Mars and prepare for missions to the outer planets, while at the same time allowing for continuance of a robust program of missions in Earth Science, Astronomy and Heliophysics.

While I recognize the intense economic and budgetary pressures which our country faces, undercutting science in space exploration, especially at the present juncture, represents the height of shortsightedness. In the entrepreneurial sphere, the scientific returns from our national enterprise of space exploration have the potential to spawn not only new industries but new economic domains while affording long-term access to resources and technologies that promise to help us to address the peak production problems faced by a variety of industrial sectors, most notably energy and food production. At the national level, an active research presence throughout the solar system is indispensable to America's standing, both with respect to military pre-eminence, with respect to the aforementioned resources issue, and with respect to maintaining a realistic, pro-active understanding of the dimensions and potential repercussions of climate change and the likelihoods of other astronomical eventualities, such as coronal mass ejections and asteroid impacts together with their implications for the national infrastructure. And lastly, to speak of humanitarian matters, the cooperation among nations that space research both fosters and necessitates is not only in our long-term cultural and national interest, but in the common interest of our species.

Therefore let me urge that an increase in the share of the NASA budget for Science to 30 percent be made. Such an investment is the best way for the agency to make the most effective use of the taxpayers' money at this time and in this economic environment, and it is in the lasting interest of our society and to our children.

TESTIMONY OF C. JACOB CHRISTENSEN
MEMBER OF THE PLANETARY SOCIETY

TESTIMONY TO THE U.S. HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

HEARING ON NASA'S FISCAL YEAR 2013 BUDGET
March 22, 2012

At the request of Bill Nye, CEO of The Planetary Society, I am providing testimony regarding NASA's 2013 budget. My perspective is informed both from being a member of The Planetary Society and also from working for a small Michigan-based distributor of scientific supplies and equipment. NASA has from time to time been our customer. I am greatly concerned over a possible 20% cut to NASA's Planetary Science program. To be clear, I am not asking that this program receive the biggest piece of NASA's budgetary pie. In terms of dollar amounts, I quote testimony our organization provided to the U.S. Senate on March 7th of this year: "...the Planetary Society recommends reallocating approximately 3 percent from within NASA's total budget to rebaseline the share for Science to at least 30 percent, and restoring the \$300 million cut to Planetary Science to fund it at \$1.5 billion."¹

Speaking as a citizen who has read the amended National Aeronautics and Space Act of 1958, I am aware that NASA programs are not a matter of luxury. They are a matter of law. For example, mandates for NASA to study the atmosphere and monitor near-Earth asteroids are hardwired into the legislative code that governs the agency. NASA's Planetary Science program enables it to engage in "long-range studies...for peaceful and scientific purposes."² Furthermore, NASA is a vital conduit through which you, as members of Congress, fulfill your Constitutional obligation "To promote the Progress of Science..."³

I am not a scientist, but as a dedicated space enthusiast I follow NASA on a daily basis via email, news coverage and social networking websites. Some people follow sports. I follow space exploration. It has provided me personal inspiration and civic motivation ever since I encountered Astronaut (and then U.S. Senator) Jake Garn at the National Air and Space Museum. This chance meeting happened in my childhood not long after the Challenger disaster. I still remember staring up at this man who had been to space, shaking his hand, and answering yes when he asked if I intended to go to space when I grew up. Granted, the odds are against me ever making it to outer space. Still, with this testimony I believe I keep the spirit of the promise I made to Astronaut Garn.

Forgive me for being blunt. I am tired of hearing this nation's leaders boast about the Apollo moon missions. Don't get me wrong. I am in awe of the Apollo space program. But in the face of a possible 20% cut to NASA's Planetary Science program, I am willing to call Apollo what it is: history. Furthermore,

¹ <http://planetary.org/blog/article/00003408/>

² Sec. 102(d)(4)

³ Article I, Section 8

that the Apollo program still logically rates as this nation's greatest engineering feat is a blight on this nation's reputation. We have the talent and capacity to do more.

When I review my daily email bulletin from NASA, I skip over the frequent links to archive photos of the Mercury, Gemini and Apollo programs. While those missions are worth remembering, I have more pressing interests. I look at the latest images from the Hubble and Spitzer space telescopes and the jaw-dropping views of Earth's surface provided by the International Space Station. In many cases, these images are only a few days old. I also click on links to press releases about current missions and what is in the pipeline. I particularly relish new images taken by the Cassini spacecraft.

I have followed the Cassini ever since it launched in 1997. As I went through college, it went through the asteroid belt. I savor new mission successes via regular digital updates from the Jet Propulsion Laboratory. Upon opening these emails, I eagerly check for a single sentence that JPL includes every time: "The Cassini spacecraft is in an excellent state of health."

Soon after the Cassini dropped a European Space Agency probe safely through the atmosphere of Saturn's moon Titan, I gazed at photos of this precious world. Titan is precious because it has an atmosphere. Atmospheres are like people: they are born, they live, and eventually they die. So the more we can learn about them now, the better chance future generations have to survive whatever changes may come to our own atmosphere. How can any of us claim to care for the wellbeing of future generations, yet risk leaving them with insufficient knowledge about the solar system in which they will reside? That is what we risk doing by slicing away one-fifth of NASA's Planetary Science budget.

The Planetary Science program is like an advanced guard. Its missions tell us where to point our next heavy-lift rocket, and what conditions future astronauts will find when they arrive. Current missions are providing some of this essential knowledge. One duo of spacecraft merits special attention: Ebb and Flow. Ebb and Flow were cleverly named by elementary school students. These children not only have a keen sense of what passes for a cool moniker these days, they also grasp the purpose of the mission. Ebb and Flow orbit in tandem to study the moon's gravitational field in unprecedented detail. To the next set of astronauts that land on the moon—their mission likely to be a search for natural resources—my generation can rightly say, "You're welcome."

However, if NASA's Planetary Science budget is slashed by 20%, those fourth-graders who named Ebb and Flow may arrive in college with few if any missions to participate in. It takes years to shepherd even modest planetary missions from the brainstorming phase to the launch pad. The time to put the next generation's missions in the pipeline is now.

Well-worn rhetoric of exploration notwithstanding, the simplest reason to fund planetary science is improving the odds of our survival. The considerable research that scientists have already done proves we humans live in an extremely hazardous universe. For any species seriously committed to surviving, the knowledge acquired from NASA's planetary science efforts will prove both practical and actionable. I hope we are that species.

The truth is we have not yet outdone the dinosaurs. At present, we cannot mitigate any of several extinction threats. Science has demonstrated these deadly events are plausible in the short-term and inevitable in the long-term. In the face of a new ice age or the next eruption of a supervolcano like Yellowstone, we are without backup housing on the moon or Mars. Even if these events do not end us outright, they could set us back to a fatal degree. And if the telltale streak of a long period comet on a fatal trajectory suddenly appears in one of our telescopes, we have not physically demonstrated our ability to avert a life-ending collision. I will say it again because it lies at the core of my passion for space exploration. We have not yet outdone the dinosaurs. But we can.

We are remarkably close to being a species that can mitigate the above clear and present dangers. To do so will require a long-term, multi-disciplinary effort that includes planetary science. The good news is we do not need a new agency. We just need to properly fund the one which has already proven it is up to the task. We will also need to partner with other space agencies now operating around the globe. However, some of them are understandably wondering if the U.S. has what it takes to lead the way. I mentioned the European Space Agency earlier as a collaborator on the Cassini mission. We recently broke our commitment to the ESA for two Mars robotic missions. If the current budget does not afford us the ability to carpool, how do we seriously expect to get there on our own?

I ask you, at a minimum, to fund NASA's Planetary Science program at the level quoted in my first paragraph. In comparison to other expenditures made by this government, the allocation is modest. As astrophysicist Neil deGrasse Tyson has pointed out in numerous public statements, NASA takes less than a penny of each tax dollar citizens pay. Count me as a citizen who believes that some taxes are worth paying. Among the returns we and future generations can hope to receive is the survival of life in this solar system.

Thank you for considering my testimony.

CALIFORNIA COASTAL COMMISSION

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Dr. Charles Lester, Executive Director, California Coastal Commission
Written Testimony for FY 2013 Appropriations for the National Oceanic and Atmospheric
Administration (NOAA) within Department of Commerce
House Committee on Appropriations, Subcommittee on Commerce, Justice and Science
and Related Agencies
March 22, 2012

The California Coastal Commission (CCC), in partnership with coastal cities and counties, plans and regulates the use of land and water in California's coastal zone. Along with the San Francisco Bay Conservation and Development Commission (BCDC) and the State Coastal Conservancy (SCC), the CCC is one of three state designated coastal management agencies for the purpose of administering the federal Coastal Zone Management Act (CZMA) in California. For the Fiscal Year 2013, the California Coastal Commission requests \$67.1 million for the Coastal Zone Management State Grants and \$22.3 million for the National Estuarine Research Reserve System.

Many of our nation's most urgent issues – the economy, energy policy, environmental protection and climate change – converge along our nation's coasts. Coastal areas are home to more than half of the nation's population and a diversity of natural resources, species, and habitats. Our coasts are also critical economic drivers; collectively coastal economies contribute almost half of the nation's GDP, providing jobs, recreation and tourism, coastal and ocean dependent commerce, and energy production.

In California, for example, the state's ocean-dependent economy is estimated at almost \$36 billion per year.¹ Almost 70% of Californians live and nearly 80% of California's jobs exist along bay or coastal areas and face hazardous conditions now and in the future.² California's coastal tourism and recreation economy, valued at \$12 billion in 2009 and employs over 300,000 people, more than any other ocean economy industry in California.³

The U.S. Congress recognized the importance of the nation's coasts by passing the CZMA in 1972. The Act, administered by NOAA, provides for management of the nation's coastal resources, including the Great Lakes, and balancing economic development with environmental conservation. The CZMA also establishes a federal-state partnership by giving state's the opportunity to manage coastal resources in concert with the federal government through federally-approved state Coastal Management Programs (CMP). California's CMP is designed to comprehensively manage coastal resources using a variety of planning, permitting, public education and non-regulatory mechanisms. Successful implementation of the CMP depends on cooperation between federal, state, and local agencies and requires that California balance the demands for development with the need to conserve natural resources, providing for sound, responsible stewardship of one of the nation's most spectacular coastlines.

^{1,3} <http://www.oceaneconomics.org/Market/coastal/coastalEcon.asp>

² Griggs, G. (1999). The Protection of California's Coast: Past, Present and Future. *Shore and Beach* 67(1): 18-28.

Federal approval of a state program also provides the state CMP agencies with federal funding through Coastal Zone Management State Grants. For the Fiscal Year 2013, **the California Coastal Commission requests that these grants be funded at least at \$67.1 million**, consistent with last year's funding and the FY 2013 President's Budget. This funding is critically important to the maintaining current staffing and operational levels of California's Coastal Management Program agencies (CCC, BCDC, and SCC). Federal funds are matched by state dollars and are often further leveraged by private and local investment in our nation's coasts.

Maintaining funding for these programs that provide on-the-ground services to our local communities and citizens is well worth the investment. The federal funds that California receives will directly support processing of hundreds of coastal development permits, reviewing approximately 125 federal consistency determinations, and addressing the more than 1,650 pending enforcement cases. These actions provide for environmentally-sustainable development and related economic growth, while recognizing the protections that are needed for California's coast to maintain its natural and scenic beauty, ensure healthy air and clean water for coastal communities, and support coastal tourism that is so critical to the state's economy. In addition, this funding will support the work that the California Coastal Commission is doing to help communities prepare for and address threats from coastal hazards resulting from increased flooding and sea level rise.

The CZMA state grants have essentially remained level-funded for a decade, resulting in a decreased capacity in the state coastal zone management programs and less funding available to communities. An increase in funding to \$91 million would mean level funding that accounts for inflation over the last decade and would provide an additional \$300,000 - \$800,000 for each state and territory. The California Coastal Commission recognizes, however, that the fiscal climate makes this type of an increase difficult if not impossible. At current funding levels, California will receive approximately \$2,000,000 to carry out its coastal management program based on a formula accounting for shoreline miles and coastal population. Any additional funding to the CZM State Grant line item would be welcome, especially to account for the recent addition of Illinois as a state with an approved coastal program in January 2012.

The California Coastal Commission also supports funding for the National Estuarine Research Reserve System (NERRS) - another federal program authorized under the CZMA that establishes a partnership with states and territories to ensure long-term education, stewardship, and research on estuarine habitats and provides a scientific foundation for coastal management decisions. This unique site-based program around the nation contributes to a systemic research, education and training on the nation's estuaries. To that end, **we request level funding in FY 2013 for the National Estuarine Research Reserve System at \$22.3 million**. The NERRS in the State of California at San Francisco Bay, Elkhorn Slough (Monterey) and Tijuana River are a tremendous educational resource for the public and for state and local coastal management professionals who directly benefit from the trainings that are provided at little or no cost. Given the lack for funding at the state and local level, planning professionals at state agencies and local governments will likely receive little to no professional training on the addressing some of the nations most pressing coastal management issues without level funding for the NERRS.

The California Coastal Commission greatly appreciates the support the Subcommittee has provided to these programs in the past, thus facilitating the federal and state governments working together to protect our coasts and sustain our local communities. We appreciate your taking our requests into consideration as you move forward in the FY 2013 appropriations process.

CAMPAIGN FOR ENVIRONMENTAL LITERACY

Honorable Frank R. Wolf, Chairman
Honorable Chaka Fattah, Ranking Member
Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Honorable Barbara Mikulski, Chairwoman
Honorable Kay Bailey Hutchison, Ranking Member
Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

March 16, 2012

Dear Chairman Wolf, Ranking Member Fattah, Chairwoman Mikulski and Ranking Member Hutchinson:

We write first to thank you for your past support of the important education programs provided by the National Oceanic and Atmospheric Administration (NOAA). For fiscal year 2013, we respectfully request that you maintain funding for the NOAA's **Environmental Literacy Grants (ELG)** Program at the fiscal year 2012 level of \$8 million. We further request that funding for **Bay-Watershed Education and Training (B-WET)** programs be sustained at \$7.2M

Authority for these programs is provided by the America COMPETES Reauthorization Act of 2010 (Public Law No: 111-358 Section 302). Over the past seven years, these NOAA education programs have been essential to advancing ocean, atmospheric, and environmental literacy in the United States, a major goal of both the *U.S. Commission on Ocean Policy Report* and the *National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes*.

As is increasingly recognized by business leaders, environmental literacy provides critical knowledge that is essential for the success of a 21st Century workforce—equipping students with the skills to understand complex environmental issues, thus enabling them to both make better informed decisions as citizens and help find solutions for the challenges facing our nation. Studies have demonstrated that environmental literacy is fundamental to improving student achievement in STEM (science, technology engineering, and math) education, to creating a stronger economy through green jobs, and to promoting environmental stewardship (a key objective in all of NOAA's strategic plans).

ELG grants have given more than 20 million people access to compelling up-to-date weather, atmospheric, and ocean information through the Science on a Sphere and Ocean Today Kiosk. ELG grants to the National Science Teachers Association have also provided thousands of teachers access to the most accurate scientific information on climate, corals and hurricanes. The full impacts of the ELG program are significant, including:

- 8,000 teachers annually who receive professional development in STEM concepts related to environmental literacy,
- 2,600,000 students who benefit from more highly qualified teachers in STEM fields each year, and
- 300 jobs which are fully or partially supported by these grants.

The B-WET program supports locally relevant, experiential learning in the K-12 environment, with the purpose of increasing understanding of how the quality of the watershed affects the lives of the people who live in it. B-WET supports programs for students as well as professional development for teachers, while supporting regional education and conservation priorities. The impacts of the BWET program include:

- 120 projects funded in six regions of the country, impacting 21 states, and
- More than 57,000 students and 2,400 teachers and community leaders reached each year.

Yet millions of teachers and students across the nation have yet to benefit from these proven, successful programs. Continued funding at \$8 million for ELG and \$7.2 million for B-WET will ensure that NOAA continues to reach teachers and students to further develop the public's understanding of key ocean, atmospheric, and environmental concepts as part of its stewardship mandate.

We commend you for your leadership in sustaining these programs in prior years. They have enabled NOAA, as the nation's leading expert on weather, coastal and ocean information, to partner with the nation's top non-profit organizations and educators to put this information to good use. They have demonstrated their effectiveness, as well as their value to stakeholder communities. And as our nation begins to grapple with the complexities and challenges of diminishing ocean, coastal and watershed resources, they are timely and highly relevant.

Thank you for your consideration of our requests. If you have any questions about this letter, please contact James Elder, Director, Campaign for Environmental Literacy, at 978-526-7768, or elder@FundEE.org or Danielle Moodie-Mills, Sr. Manager Environmental Education, National Wildlife Federation, at 202-797-6634 or moodied@nwf.org.

Sincerely,

National and Regional Organizations:

National Wildlife Federation
Afterschool Alliance
American Forests
American Recreation Coalition
Association for the Advancement of Sustainability in Higher Education
Association of Polar Early Career Scientists
Association of Zoos & Aquariums
Earth Day Network
EarthEcho International
Earth Force
Eco Think LLC
Ecological Society of America
Engaging Every Student LLC
Hispanic Access Foundation
Institute for Global Environmental Strategies

National Council for Science and the Environment
National Estuarine Research Reserve Association
National Project for Excellence in Environmental Education
North American Association for Environmental Education
North American Marine Environment Protection Association
Ocean Alliance, Inc.
Ocean Conservation Society
Ocean Project
Pheasants Forever
Quail Forever
Student Conservation Association

Sustainable World Coalition
The Wilderness Society

Will Steger Foundation

State and Local Organizations:

Acorn Group, The (CA)
Adventure WILD Summer Day Camp (OR)
Alaska Natural Resource and Outdoor
Education Association (AK)
Aldo Leopold High School (NM)
Alliance for New Jersey Environmental
Education (NJ)
Anacostia Watershed Society (MD)
Arizona Zoological Society (AZ)
Artist Boat (TX)
Audubon Naturalist Society (MD, VA)
Back Bay Science Center (CA)
BOAT CAMP Nature School (MA)
BridgeWater Education Consulting, LLC
Carolina Forest High School (SC)
Camp SEA Lab (CA)
Cache Valley No Child Left Inside (UT)
Catamount Center (CO)
Chattahoochee Nature Center (GA)
Chesapeake Bay Trust (MD)
Coastal Studies Program of Hood College (MD)
Creative Energetics (OR)
Dauphin Island Sea Lab (AL)
DC Greenworks (D.C.)
Discovery Center at Murfree Spring (TN)
Eastern Kentucky University's Center for
Environmental Education (KY)
EcoScapes Landscaping (NM)
Edith Bowen Laboratory School (UT)
Environment Education Connections of South
Dakota (SD)
Environmental Center, The (OR)
Environmental Dynamics Program, University
of Arkansas (AR)
Environmental Education Association of
Alabama (AL)
Environmental Education Association of New
Mexico (NM)
Environmental Education Association of
Oregon
Environmental Learning for Kids (CO)
Friends of Edgewood Natural Preserve (CA)
Friends of Kaena (HI)
Friends of Outdoor School (OR)
Friends of the Manitowoc River Watershed
(WI)
Georgia Wildlife Federation (GA)

Gila Conservation Education Center (NM)
Gloucester High School (VA)
Golden Gate National Parks Conservancy (CA)
Great Smoky Mountains Institute at Tremont
(TN)
GREEN Community Schools, a program of the
Marilyn G. Rabb Foundation (IL)
Hilton Pond Center for Piedmont Natural
History (SC)
Houston Wilderness Inc (TX)
Hui Malama na Mea a Kane (HI)
Idaho Environmental Education Association
(ID)
Institute for Biomedical Philosophy (FL)
Johnson Creek Watershed Council (OR)
Kalamazoo Nature Center (MI)
Kentucky Association for Environmental
Education (KY)
kidsGROWkentucky, Inc. (KY)
Kodiak Ocean Science Discovery Lab (AK)
Kohala Center - Hawai'i Island School Garden
Network (HI)
Living Planet Aquarium (UT)
Maine State Aquarium (ME)
Maryland Association for Environmental and
Outdoor Education (MD)
Maryland Project Learning Tree (MD)
Michigan Technological University Center for
Science & Environmental Outreach (MI)
Mililani High School Science Learning Center
(HI)
Minnesota Association for Environmental
Education (MN)
Missouri Environmental Education Association
(MO)
Mountain Kids (NM)
Museum of Science and Industry, Chicago (IL)
New Hampshire Children in Nature Coalition
(NH)
New York State Marine Education Association
(NY)
Ocean Discovery Institute (CA)
One Ocean Consulting (CA)
Openlands (IL)
Pacific Education Institute (WA)
Papahana Kuaola (HI)
Parks & People Foundation (MD)

Place-Based Education Northwest (OR)
 Pleasant Valley School (OR)
 Potomac Environmental Research and
 Education Center, George Mason University
 Potomac Valley Audubon Society (WV)
 Reef Relief (FL)
 Return of the Natives Restoration Education
 Project of the Watershed Institute, California
 State University Monterey Bay (CA)
 Rhode Island Environmental Education
 Association (RI)
 Save The River (NY)
 Science Kids (WY)
 Seacoast Science Center (NH)
 Seattle Aquarium (WA)
 Shoreline Education for Awareness (OR)
 Siskiyou Field Institute (OR)
 South Coast Watersheds (OR)
 Southern Oregon Regional Environmental
 Education Leaders (OR)
 Southwest Conservation Corps (AZ, CO, NM)
 Springfield Township Parks and Recreation
 (MI)
 Sustain Forest Grove (OR)
 TahoeFuture (NV)
 Transportation Committee, The Emerson
 School (OR)
 Utah Society for Environmental Education
 (UT)
 Utah State University Water Quality Extension
 (UT)
 Warner Park Nature Center (TN)
 Winter Green Farm (OR)
 Wisconsin Environmental Education
 Foundation (WI)
 Zoo Atlanta (GA)

I object to the Civil Rights Division's ADA/Olmstead Enforcement policies, the effect of which is to eliminate intermediate care programs/licensed congregate care facilities for persons with severe/profound cognitive-developmental disabilities.

I recommend to the subcommittee that it place restrictions on the Civil Rights Division's Fiscal Year 2013 budget, that funds may not be used to undermine and eliminate licensed facilities for persons with cognitive-developmental disabilities.

**Respectfully,
Carin Doddroe
Bradenton, Florida**

(941)727-7582

cdoddroe@verizon.net



Testimony Submitted to the

Appropriations Committee

Subcommittee on Commerce, Justice, Science and Related Agencies

of the U.S. House of Representatives

by Gary Jarvis, President, Charter Fishermen's Association

March 22, 2012

My name is Captain Gary Jarvis and as the president of the Charter Fishermen's Association (CFA) I appreciate the opportunity to offer testimony to encourage this subcommittee members to oppose the proposed \$5 million cut to Regional Councils and Fisheries Commissions. Fisheries management decisions are best made at the regional level with local input and expertise. The proposed cut would limit our ability to decide for ourselves what types of programs are best suited to manage the fisheries in which we participate. Furthermore, we request that you reject any provision to the budget that would prevent the regional councils from using all the tools in the management toolbox. To that end, I also want to go on record and give testimony in support of the \$28 million in funding requested by the Administration for the National Catch Share Program in Fiscal Year 2013.

Each year, millions of Americans rely on the Charter for Hire Industry to access fisheries in the Gulf of Mexico. Whether on a Head Boat, Center Console or Luxury Sport Fishing yacht, our industry gives fisherman who do not own their own boats the opportunity to take advantage of our great fishery. Our customers come from all over the country and are a large part of the economic machine that drives our coastal communities. CFA was formed by a group of Charter for Hire fishermen in the Gulf of Mexico, for the Charter for Hire industry and the millions of recreational fishermen who rely on our Industry across the Country. The fundamental goal of the CFA is to achieve sustainable and accountable status for our fisheries in a way that will increase all user groups' access to our nation's natural resource.

As you know, several species of fish that are critical to the recreational fishing industry in the Gulf have become depleted and are subject to increasingly restrictive management measures. Fishing seasons have gotten shorter, size limits for the fish we can keep have gotten longer, and bag limits have gotten smaller. These factors make it very difficult for charter boat operators like us to stay in business. The service we provide to our clients is access to ocean fisheries, but in recent years government regulations have prevented us from providing this access. Either the seasons are closed, in which case going fishing is not even

an option, or the size and bag limits are so restrictive that clients cannot justify the expense of going fishing. These increasingly stringent measures are blocking public access to fishery resources, and in the process hurting our businesses and local economies.

Fortunately, there are solutions that can simultaneously provide increased access to fishery resources while also providing for the long-term conservation of those resources. There is plenty of flexibility in the existing RMSA requirements that can move us towards that increased access as these fish stocks rebound. One of those solutions is catch share programs. Under a catch share program, the amount of fish available to be caught is divided up among the participants in that fishery, who can then decide when, where and how best to make use of their harvesting privileges. The participants also have a long-term stake in the fishery, the value of which increases as the fishery becomes more healthy and productive.

We have seen how effective catch share programs can be for the commercial sector in reducing by-catch, providing reliable and timely data needed to manage fisheries, extending fishing seasons and helping fishermen lower their operating expenses. Simply put, catch share programs have enabled commercial fishermen to earn more for their fish while spending less time to catch them. Under catch share programs, in existing commercial hook and line fisheries here in the Gulf of Mexico the reality is everyone wins – our fisheries are healthier, fishermen make more money, and consumers get better quality product.

Charter boat operators in the Gulf like us want to explore these tools to see if some of the benefits from catch share programs that our counterparts in the commercial sector have experienced can be applied in principle to the charter for hire industry. For example, charter boat operators could schedule their trips to coincide with tourism peaks instead of when the federal government says we can fish. Or meet regional differences when certain species migrate to certain waters based on time of year. Catch share's can be in many forms ie, fish tags, days at sea or IFQ and a few other forms and we need to explore if all or any can even be considered a viable alternative to what does not work now with status quo management practices. We do not believe catch shares are the "be all end all" approach to recreational fishery management , but it is important for us to have the opportunity to try them through voluntary pilot projects managed at the regional level.

Indeed, whether the question is to adopt new catch shares or other alternatives, the regional council process is the best forum for making these difficult management decisions with fishermen input. For example, under the Magnuson-Stevens Act, the regional fishery management councils now have the option to implement a catch share program where the stakeholders in a fishery want such a program. In our region of the country – the Gulf of Mexico – any new program is subject to a fishermen referendum. In other words the final say goes to the fishermen effected.

Reducing financial support for Regional Councils and Fisheries Commissions sends the wrong message. Industry buy-in is crucial to fisheries management decisions, and the Council process is where this happens. We strongly urge Congress to continue its investment in federal fisheries, and to continue to aggressively support the local and regional infrastructure

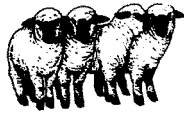
that makes it possible for local communities to have a hand in the management decisions that affect their future.

Current fishing rules hurt anglers, fishing businesses, and our nations fisheries, by severely limiting fishing with short or even closed seasons, while promoting wasteful discards due to outdated management practices. Moreover, the rules also fail to manage the fishery effectively. The CFA pledges to work to meet the mandates set by Congress through the promotion of fishery management practices that are beneficial to the American public, the fishery in general as well as the fishing industry. The U.S Congress and the management councils have created several ways for recreational fishing groups and others to advocate for new management options. The Charter Fisherman's Association looks forward to working with regional councils, Congress and the Administration towards long-term solutions, including catch shares, to increase fishing time, improve businesses, and ensure a sustainable fishery.

We urge the Subcommittee to oppose the proposed \$5 million cut to Regional Councils and Commissions and reject any provision that would prevent the regional councils from using all the tools in the management toolbox, including catch shares. We further ask you to support the \$28 million for the National Catch Share Programs in FY13.

Thank you for the opportunity to provide our input on these important issues.

Capt. Gary Jarvis President Charter Fisherman's Association
Destin, Florida



Colorado Wool Growers Association

PO Box 292 ° Delta, CO 81416-0292 (970) 874-1433 ° (970) 874-4170 fax
cwgawool@aol.com ° coloradosheep.org

House Committee on Appropriations
 Subcommittee on Commerce, Justice, Science, and Related Agencies
 CJ.Approp@mail.house.gov

March 15, 2012

RE: Please Support De-Funding Legal Services

Honorable House Committee Members:

My name is Bonnie Brown, and I am the Executive Director for the Colorado Wool Growers Association, and have worked in this capacity for over 11 years. I respectfully request that the House Committee on Appropriations considers our input when deliberating funding for Legal Services. I appreciate this opportunity to share with the Committee, the ongoing harassment that H-2A sheep rancher employers are subjected to by Colorado Legal Services.

I would like to begin by providing a brief summary of the H-2A sheep herder program for those Committee members that may not be familiar with the program.

Summary of the H-2A Sheep Herder Program

Over the last century, America has steadily advanced into a technology-based society, with most Americans being several generations removed from background in production agriculture. American families are not raising their children to be farm and ranch laborers, yet the need still exists for a sufficient labor force to harvest American crops and tend livestock. The lack of an American workforce willing to fill jobs in agriculture had led to the establishment of the Department of Labor's H-2A guest worker program.

The H-2A program provides a legal conduit for foreign workers to enter the United States on a contract basis to fill jobs that are unwanted by American workers. The H-2A sheep herder program is a federal guest worker program, and is regulated by the U.S. Department of Labor, the Citizenship and Immigration Service, and the Department of Homeland Security. The premise of the H-2A program is the inadequacy or insufficiency of domestic labor to fill jobs; and therefore, labor issues are unique from other industries. The U.S. Department of Labor recognizes the unique challenges of filling sheep herding jobs, and therefore had designated special procedures that apply to H2A sheep herding jobs.

Shepherds primarily come from Peru, Chile, and Mexico. They are here to take advantage of legal job opportunities in the United States through the H-2A guest worker program. Most herders apply for a job through the H-2A sheep herding program because they have relevant experience and family or friends that work in the program. Workers choose to come to the United States because they can make more money than in their home country; thereby improving their lives and the lives of their families. The H-2A sheep herder program has been in place since the 1950's. Although not without flaws, the H-2A sheep herder program has been a win-win situation for both workers and employers for decades.

Industry Complaints Against Colorado Legal Services (CLS)

As with any line of work, there are occasional incidents of misconduct, both on the employer's side and the employee's side. Unfortunately, over the years, there have been isolated cases of employer misconduct in the H-2A sheep herder program. Our Association does not deny that isolated problems may exist, nor do we condone inappropriate management on behalf of the employers in the H-2A sheep herder program. We do, however, take issue with Colorado Legal Services, broad-brush, negative portrayal of the entire industry, based on isolated problems. We strongly object to their departure from the truth and deliberate effort to manipulate the media, and well as the concerted efforts to drum up casework, and create problems where they don't exist. Additionally, it seems that they would rather by-pass any legitimate efforts to solve problems and rush straight to litigation.

To substantiate our claims of misconduct against Colorado Legal Services, I have attached their 2010 report entitled *Overworked and Underpaid: H-2A Herders in Colorado*. The report was intended to expose the "deplorable" working conditions of the H-2A sheep herders and was an effort on behalf of Colorado Legal Services to implement state laws to govern the H-2A sheep herder program. To provide a snapshot of the disingenuous nature of the report, I would like to briefly mention several points:

- Rather than addressing grievances (real or perceived) within the existing framework, CLS has proffered a report filled with bias and inaccuracies in an attempt to create new state legislation. Even the cover photo is wrong (CLS attorney Jennifer Lee photographed a camp trailer in Utah that is not even in the H-2A program, and then uses it on the cover of the Colorado H-2A report). CLS provides no justification for many of its purported conclusions. Its survey methods are flawed and its results lack quality, integrity, and objectivity. Survey questions appear geared to elicit certain responses and CLS manipulated its findings to exclude herders that chose not to respond.
- The CLS report states herders interviewed were in western Colorado. However, the Associated Press reported on January 14th, 2010 that CLS surveyed herders in Colorado, Utah, and Wyoming. The report confirms this by acknowledging some of the herders interviewed were from Nepal, even though there are no Nepalese herders in Colorado.

- CLS omitted responses that could counter their allegations. For example, the CLS report contains no reference to how long those surveyed had worked as a sheep herder in the U.S. Most herders have asked their employer to process I-94 extensions so they could continue to herd sheep after their initial contract expired. Even responses to how herders rated the quality of their housing were omitted.
- Parts of the report appear to plagiarize allegations raised in completely different contexts by the Southern Poverty Law Center in Montgomery, Alabama. Over half the H-2A sheep ranches in Colorado were not included in this survey. It is also likely that some of the herders interviewed were not participants of the H-2A program, while others surveyed, weren't even in the state of Colorado.
- Even the surveyors have a history of bias and prejudice against sheep ranchers and the H-2A program. For example, CLS Outreach Specialist, Ignacio Alvarado has made it clear he is a disgruntled former H-2A herder. Ironically, after his former employer loaned him over \$3,000, and obtained a green card for him to remain in the United States, Mr. Alvarado promptly abandoned his job, still owing his employer over \$3,000. [A green card is a United States Permanent Resident Card that is an identification card attesting to the permanent resident status of a foreigner in the United States of America.] While the CLS report states, "there was no predetermination as to who would be interviewed," CLS staff attending the CWGA Annual Business meeting in 2010 stated that Mr. Alvarado hand-picked the herders used in the survey. Only CLS knows what questions they actually asked the herders and the responses and discussion that took place.
- The CLS report states that "H-2A sheep ranchers can lawfully pay herders abysmally low salaries because these ranchers are also exempt from complying with state or federal minimum wage." As to pay, CLS cites H-2A farmer worker wages as a point of comparison, but even that information is incorrect. A thorough response to CLS claims about low wages has been documented by the March 2010 economic analysis (attached) prepared by independent economic consultant Julie Stepanek Shiflett, Ph.D. shows that the real wage benefit paid to H-2A sheep herders is approximately \$10.24/hour.
- CLS has sensationalized this issue in the media to advocate for changes to state law based on limited and inaccurate information. Ironically, CLS itself appears to be violating the law. It receives funding from Legal Services Corporation pursuant to the Legal Services Act, 42 U.S.C. Section 2996 et. seq. and regulations. With limited exceptions, federal law prohibits Legal Services Funds from influencing legislation. The role CLS has played appears to exceed those exceptions.

In 2010, I personally attended a meeting at the State Capitol with CLS attorney's Jennifer Lee and Jennifer Rodriguez. While they were supposedly providing "legal counsel" for bill

sponsor's Senator Pat Steadman and Representative Daniel Kagan, the CLS attorneys were actively engaged in lobbying to secure the successful passage of the bill. The proposed "Sheep Herder" bill sponsored by Steadman and Kagan, ultimately failed when our state legislators were provided with accurate information about the H-2A sheep herder program and existing federal regulations to insure oversight of the program. While CLS claimed that the legislation was being put forth by the Colorado Immigrant Rights Coalition (CIRC) it was clear that the Colorado Legal Services was the driving force to implement new state regulations. During legislative testimony, the representative from CIRC was unable to accurately answer questions about "their" proposed bill. Additionally, Representative Daniel Kagan is quoted in the January 14th, 2010 Daily Sentinel newspaper as saying he "shares the concerns raised in the report (*Overworked & Underpaid authored by Colorado Legal Services*) and is proposing legislation to address them."

CLS Actively Creates Casework for Themselves & Misinforms the Media

I provided the information on CLS's 2010 legislative activities because it provides concrete examples of CLS's disingenuous nature; and I believe, supports the follow information I would like to share with the Committee regarding CLS's efforts to drum up casework for themselves.

It's common knowledge in the Colorado H-2A sheep herder/livestock program that Tom Acker (Mesa State College), and Ignacio Alvarado (Colorado Legal Services Outreach Specialist) have made numerous visits to sheep camps over the years. Additionally, it is our understanding that other CLS staff visit the sheep camps as well. Through experiences related by herders to their employers, we know that CLS and Tom Acker have contacted various herders attempting to convince the herders that their boss is treating them poorly, and CLS can assist with filing a complaint against the employer. Although we are unable to document it, it is our strongly held belief that most of the complaints that CLS handles on behalf of sheep herders are complaints that they generated themselves from their outreach visits and deliberate efforts to influence the herders, versus from sheep herders that initiate contact with CLS for help with a problem. There is a whole framework of options for a herder to utilize if they are experiencing problems, yet that process appears to be by-passed in CLS's overzealous efforts to immediately attack employers.

It is also common knowledge within the Colorado H-2A sheep herder/livestock program that for a number of years, Ignacio Alvarado visits sheep camps on his own, and encourages herders to abandon their jobs, because he can find them better paying jobs in town, AND if they don't have a place to stay, they can pay to stay with Ignacio. Colorado sheep ranchers are OUTRAGED that he interferes with a legal employment contract AND works for Colorado Legal Services. Herders that abandon their jobs, immediately invalidate their work visa, and are considered illegal aliens.

Equally as egregious is the continual interaction with the media. Tom Acker and Ignacio Alvarado are periodically in the media portraying the "plight" of the poor, neglected sheep herders typically indicating that they have to take supplies/gifts to the herders because the ranchers are failing to provide the basic necessities for the herders.

It is unfortunate that Colorado Legal Services cannot objectively provide services IF needed; instead of manipulating, naïve and unsuspecting herders and creating problems were they don't exist. Because of years of ongoing problems created by Colorado Legal Services, we strongly urge the Committee to de-fund the program. If the Committee would like to speak directly with ranchers that have been harassed by Colorado Legal Services, and can comment first-hand on the problems they have experienced, please contact me immediately so that I may arrange additional communication/testimony.

I would like to again state that we acknowledge there have been isolated problems within the H-2A sheep herder problem, but they are not indicative of the overall program and there are existing federal regulations and guidelines in place to address problems. It is wrong for Colorado Legal Services to deliberately generate casework by manipulating H-2A sheep herders.

In closing, I would like to mention that for the past year, the Colorado Wool Growers Association has been working on a documentary about the Colorado H-2A sheep herders. The documentary is a direct response to the negative allegations made against our industry by Colorado Legal Services. Production should be completed in May, and we are happy to provide DVD copies to anyone that is interested in learning about the Colorado H-2A sheep herders.

Thank you for the opportunity to share our experiences with the Committee.

Respectfully,

Bonnie Brown

Executive Director

Attachments:

CWGAreponseCLSsurveyFinal03.12.2010.pdf

Real_Wage_Benefit_To_Colorado_H-2A_Herders_March_5_2010Final.pdf

Overworked_and_Underpaid.pdf



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

729 NE Oregon, Suite 200, Portland, Oregon 97232

Telephone 503 238 0667

Fax 503 235 4228

TESTIMONY OF

The Honorable Gerald Lewis, Chairman

Columbia River Inter-Tribal Fish Commission

Testimony on Fiscal Year 2013 Budget

Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies

United States House of Representatives

March 22, 2012

The Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share our views on the Department of Commerce NOAA Fisheries' FY2013 budget and has identified the following funding needs:

- **\$26.6 million for the Columbia River Mitchell Act hatchery program under Salmon Management Activities to implement reforms of which \$6.7 million (or 25% of the enacted amount) is directed to the tribes to enhance supplementation (natural stock recovery) programs. We recommend restoration of 1991 report language prioritizing upriver actions;**
- **\$11.6 million for the Pacific Salmon Treaty Program, also under Salmon Management Activities, of which \$9.8 million is for the implementation of the 2009-2018 Agreement, and previous base programs, and \$1.8 million is for the Chinook Salmon Agreement Implementation;**
- **\$90 million for the Pacific Coastal Salmon Recovery Fund to support on-the- ground salmon restoration activities;**
- **We recommend that PCSRF funds not be used for mass fin-clipping;**
- **We recommend the Hatchery Science Review Group not receive funding unless or until there is evidence it meets FACA standards.**

BACKGROUND: CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC provides coordination and technical assistance to the tribes in regional, national and international efforts to protect and restore the fisheries and fish habitat.

In 1855, the United States entered into treaties with the four tribes¹. The tribes' ceded millions of acres of our homelands to the U.S. and the U.S. pledged to honor our ancestral rights, including the right to fish. Unfortunately, a long history of hydroelectric

¹ Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

**Testimony of Columbia River Inter-Tribal Fish Commission
FY 2013 Budget – Commerce, Justice, Science and Related Agencies**

development, habitat destruction and over-fishing by non-Indians brought the salmon resource to the edge of extinction with 12 salmon and steelhead trout populations in the Columbia River basin listed under the Endangered Species Act (ESA).

Today, the CRITFC tribes' are among the most successful fishery managers in the country leading restoration efforts and working with state, federal and private entities. CRITFC has, and is currently updating, a plan that outlines principles and objectives designed to halt the decline of salmon, lamprey and sturgeon populations and rebuild the fisheries to levels that support tribal ceremonial, subsistence and commercial harvests. To achieve these objectives, the plan emphasizes strategies that rely on natural production, healthy rivers and collaborative efforts.

Several key regional agreements were completed in 2008. The Columbia Basin Fish Accords set out parameters for management of the Federal Columbia River Power System for fish passage. New agreements in *U.S. v. Oregon* and the Pacific Salmon Commission established fishery management criteria for fisheries ranging from the Columbia River to Southeast Alaska. The *U.S. v. Oregon* agreement also contains provisions for hatchery management in the Columbia River Basin. The terms of all three agreements run through 2017. We have successfully secured other funds to support our efforts to implement these agreements, including funds from the Bonneville Power Administration (BPA), the Department of Interior, and the Southern Fund of the Pacific Salmon Treaty, to name just few. Continued federal funding support is needed to accomplish the management objectives embodied in the agreements.

Columbia River (Mitchell Act) Hatchery Program: Restoring Pacific salmon and providing for sustainable fisheries requires using the Columbia River Mitchell Act hatchery program to supplement naturally spawning stocks and populations. To accomplish this goal, \$26.6 million is requested for the tribal and state co-managers to jointly reform the Mitchell Act hatchery program. Of this amount, \$6.7 million, or 25% of enacted funding, will be made available to the Columbia River Treaty Tribes for supplementation (natural stock recovery) programs. The Mitchell Act program provides regional economic benefits. NOAA – Fisheries estimates that the program generates about \$38 million in income and supports 870 jobs.

Since 1982, CRITFC has called for hatchery reform to meet recovery needs and meet mitigation obligations. In 1991 this subcommittee directed that “Mitchell Act hatcheries be operated in a manner so as to implement a program to release fish in the upper Columbia River basin above the Bonneville Dam to assist in the rebuilding of upriver naturally-spawning salmon runs.” Since 1991, we have made progress in increasing the upstream releases of salmon including Mitchell Act fish that have assisted the rebuilding and restoration of naturally-spawning of upriver runs of chinook and coho. These efforts need to continue.

We now face the challenges of managing for salmon populations listed for protection under the ESA, while also meeting mitigation obligations. The Draft Environmental Impact Statement (DEIS) for operation of Columbia River basin hatcheries released by

**Testimony of Columbia River Inter-Tribal Fish Commission
FY 2013 Budget – Commerce, Justice, Science and Related Agencies**

NOAA in 2010 illustrates the conundrum we face. While the DEIS, which assumes level funding for Mitchell Act hatcheries, points out the need for hatchery reform, the implementation scenarios for the proposed alternatives to the status quo all call for substantial reductions in hatchery releases. From the tribal perspective the proposed alternatives will not result in the delisting of salmon populations or meet mitigation obligations. Under the proposed alternatives the future is increased regulation under the ESA, resulting in more constrained fisheries along the West Coast. The funding for the Mitchell Act program should be increased along with natural stock recovery program reform (supplementation) so that we can make progress towards ESA delisting. This would transition the Mitchell Act program to a much more effective mitigation program.

We support hatchery reform to aid in salmon recovery, while meeting mitigation obligations. The CRITFC tribes are leaders in designing and managing hatchery facilities to aid in salmon restoration and believe similar practices need to be implemented throughout the basin to reform current hatchery production efforts. Additional funding is necessary to reform Mitchell Act hatcheries to accomplish conservation and mitigation objectives. The Administration's proposed FY 2013 funding level continues years of inadequate funding. The result is deteriorating facilities that do not serve our objectives.

Evidence to Support Tribal Salmon Restoration Programs under the Mitchell Act:

The tribes' approach to salmon recovery is to put fish back in to the rivers and protect the watersheds where fish live. Scientific documentation of tribal supplementation success is available upon request. Our successes are evident by the increasing returns of salmon in the Columbia River Basin. Wild spring chinook salmon are returning in large numbers in the Umatilla, Yakima and Klickitat tributaries. Coho in the Clearwater River are now abundant after Snake River coho were declared extinct. Fish are returning to the Columbia River Basin and it is built on more than thirty years of tribal projects.

Fall Chinook were once considered for listing under the Endangered Species Act when only 20,000 returned to the Hanford Reach on the Columbia River in the early 1980's. This salmon run has been rebuilt through the implementation of the Vernita Bar agreement of mid 1980s combined with a hatchery program that incorporated biologically appropriate salmon that spawn naturally upon their return to the spawning beds. Today, the Hanford Reach fall chinook run is one of the healthiest runs in the basin. Over 200,000 Fall Chinook destined for the Hanford Reach returned to the Columbia River in 2011. This strong stock supports fisheries in Alaska, Canada, Coastal and the Columbia.

In the Snake River Basin, fall chinook has been brought back from the brink of extinction. Listed as threatened under the Endangered Species Act, the estimated return of naturally-spawning Snake River fall chinook averaged 328 adults from 1986-1992. In 1994, fewer than 2,000 Snake River fall chinook returned to the Columbia River Basin. Thanks to the Nez Perce Tribe's modern supplementation program fall chinook are rebounding. Snake River fall chinook are well on their way to recovery and ESA delisting. Over 40,000 fall chinook made it past Lower Granite Dam in 2010. Over 10,000 of those fish were wild, nearly twice the previous record return since the dam was constructed in 1975.

**Testimony of Columbia River Inter-Tribal Fish Commission
FY 2013 Budget – Commerce, Justice, Science and Related Agencies**

Pacific Salmon Treaty Program: CRITFC supports the U.S. Section recommendation of \$11,603,000 for Pacific Salmon Treaty implementation. Of this amount, \$9,759,000 is for the Pacific Salmon Treaty base program with Alaska, Oregon, Idaho, Washington, and NOAA to share as described in the U.S. Section of the Pacific Salmon Commission's Budget Justification for FY 2013. In addition, we support \$1,884,000 as first provided in 1997 to carry out necessary research and management activities to implement the abundance based management approach of the Chinook Chapter to the Treaty. The recommended amount represents an increase of about \$4,100,000 for the Pacific Salmon Treaty program for the states to implement the provisions and management and technical changes adopted by the U.S. and Canada in 1999 and continuing in the 2009-2018 Agreement. These funds are subjected annually to a strict technical review process.

Pacific Coastal Salmon Recovery Program (PCSRF) / Watershed Restoration: Beginning in 1996, additional funding has been sought by the State of Alaska, the Pacific Northwest states, and the treaty tribes to serve critical unmet needs for the conservation and restoration of salmon stocks shared in these tribal, state, and international fisheries. The PCSRF program plays a significant role in accomplishing the goals of this shared effort. By way of example, the Nez Perce Tribe's coho program, using PCSRF funds exclusively, has restored a previously extirpated run in the Clearwater River in Idaho. 5,000 coho returned in 2011. We recommend restoring the PCSRF FY2013 funding level to at least \$90 million.

The state and tribal co-managers have responded to concerns raised by Congress regarding accountability and performance standards to evaluate and monitor the success of this coast wide program. The co-managers have developed an extensive matrix of performance standards to address these concerns which includes the use of monitoring protocols to systematically track current and future projects basin-wide. Tribally sponsored watershed projects are based on the best science, are competently implemented and adequately monitored, and address the limiting factors affecting salmon restoration. Projects undertaken by the tribes are consistent with CRITFC's salmon restoration plan and the programmatic areas identified by Congress.

In summary, the CRITFC and its four member tribes have developed the capacity and infrastructure to lead in restoring and rebuilding salmon populations of the Columbia Basin. Our collective efforts protect our treaty reserved fishing rights and we also partner with the non-Indian community to provide healthy, harvestable salmon populations for all citizens to enjoy. This is a time when increased effort and participation are demanded of all of us and we ask for your continued support of a coordinated, comprehensive effort to restore the shared salmon resource of the Columbia and Snake River Basins. We will be pleased to provide any additional information that this subcommittee may require.

CRITFC contact: Charles Hudson, (503) 731-1257, hudc@critfc.org



Federation of Associations in
Behavioral & Brain Sciences

**Statement of Paula Skedsvold, Executive Director, Federation of Associations in
Behavioral and Brain Sciences on the**

FY 2013 Appropriations for the National Science Foundation

submitted for the record to the

**United States House of Representatives
Committee on Appropriations**

Subcommittee on Commerce, Justice, Science and Related Agencies

Honorable Frank Wolf, Chairman

March 22, 2012

The Federation of Associations in Behavioral and Brain Sciences (FABBS) appreciates the opportunity to submit testimony for the record in support of the National Science Foundation in the FY 2013 budget. We understand the economic climate and the need to reduce the nation's deficit, but we urge this Subcommittee to do so constructively by protecting the resources that have made this nation strong—its leadership in science, science training, and science education. **To promote discovery in the coming decades, FABBS recommends \$7.373 billion for NSF in FY 2013.**

FABBS is a coalition of scientific societies that share an interest in advancing the sciences of mind, brain, and behavior. Understanding the human element of many of society's challenges through research in these sciences will improve the welfare of our nation, our society, and its people. Basic research funded by NSF helps to create this body of knowledge and provides support for training future generations of scientists whose work is essential in keeping this country at the forefront of discovery.

Through the research it supports, NSF reaches every state in the country, as well as the District of Columbia and Puerto Rico. NSF's support for basic science covers all major science and engineering fields, and represents 22% of the federal support for basic research conducted at U.S. colleges and universities. In the behavioral and social sciences, NSF provides 61% of the total federal support for basic academic research. Without this support, the potential to understand the human dimension—how we perceive, think, feel, and behave—will be severely diminished.

Research supported by NSF pushes the frontiers of knowledge through the steady progression of ideas, one building upon another, but is also flexible enough to support high-risk ideas and interdisciplinary collaborations. Through the *OneNSF Framework*, the agency envisions working across organizational and disciplinary boundaries. This flexibility across traditional lines can reap rewards similar to discoveries made within disciplinary areas.

A Scientist in the Making

In 2005, President George W. Bush awarded the National Medal of Science to eight U.S. scientists, including R. Duncan Luce, Distinguished Research Professor of Cognitive Sciences at the University of California, Irvine, and founder of the Institute for Mathematical Behavioral Sciences. The National Medal of Science was established by Congress in 1959, and is awarded by the U.S. President to “individuals deserving of special recognition by reason of their outstanding cumulative contributions to knowledge in the physical, biological, mathematical, engineering, or behavioral or social sciences, in service to the nation.”

Duncan Luce was honored for his use of mathematical modeling to explain thinking, reasoning, and a broad spectrum of human behaviors over 50 years of research. Luce was particularly interested in individual and group decision making involving risk and uncertainty, and his work in game and choice theory as well as measurement has helped shape a number of fields.

As a nod to the broad impact of his research, Luce’s work was cited in the 2000 Nobel Prize given to economist Daniel McFadden, who reportedly stated, “In a fully just world, there would be a Nobel prize for psychology, and Duncan Luce would have long since received it.”

However, Luce’s training spans multiple disciplines. In 1945, he earned a BS in Aeronautical Engineering and five years later, a PhD in mathematics, both at the Massachusetts Institute of Technology. While at MIT, he became “fascinated by the possible links between math and psychology,” and took a gamble with his career by shifting his attention to this area after receiving the PhD, blending mathematical theory and experiments.

Since those early days, NSF has been a consistent funder of Luce’s basic science research. Indeed, in receiving the National Medal of Science, Luce acknowledged that federal funding helped make his research possible. The bulk of the funding was provided through the Directorate for Social, Behavioral, and Economic Sciences (SBE). Earlier research was also provided by the Directorate for Computer & Information Science & Engineering.

NSF’s budget request for FY 2013 emphasizes the OneNSF Framework to promote innovation by crossing disciplinary boundaries and drawing upon knowledge from all disciplines to address new challenges. The SBE Directorate is a significant partner in OneNSF priority areas and plans to support research in FY 2013 in areas as diverse as cyberinfrastructure (via the Cyberinfrastructure Framework for 21st Century Science and Engineering), national security (via the Comprehensive National Cybersecurity Initiative), and sustainability (via the Science, Engineering, and Education for Sustainability investment).

Training Future Generations

National Medal of Science winner Duncan Luce has had a tremendous impact in shaping research fields, but also in developing new scientists. Throughout his long and esteemed career, he has trained scientists who are now making contributions of their own at Stanford, Columbia, University of Pennsylvania, Northwestern, Indiana University, and the University of Missouri. In turn, these scientists have trained literally dozens of other scientists who are making contributions to our knowledge in a broad array of fields.

NSF recognizes the importance of building a pipeline of researchers, both within and across disciplines. The budget request for FY 2013 highlights numerous areas in which science is moving across traditional boundaries. For example, through the INSPIRE program, NSF will provide \$63 million to encourage research that involves multiple disciplines, connects disciplines, or creates new disciplines.

Aligning with INSPIRE, NSF's SBE Directorate will also provide support for interdisciplinary research, broadening opportunities for discovery beyond disciplinary boundaries. The approach will draw upon the vision laid out in a recent SBE report, *Rebuilding the Mosaic*, which puts forward a "next generation model of research that is collaborative, data-intensive, and multi- or interdisciplinary."

SBE will also provide support for other broad NSF initiatives, including Cyberlearning Transforming Education (CTE) and Expeditions in Education (E²). Through these two initiatives, SBE will support research on the development of technologies for cyberlearning and the impact of the technologies on learning, and will make targeted research data available for educational purposes.

We do not know where the next Nobel prize winner will be found or which scientists will be National Medal of Science winners, but providing support for the nation's most promising scientists—across all disciplines—will ensure that we do not lose the talent that will keep us competitive for decades to come.

Recommendation

The discoveries that result from supporting basic research are not readily apparent when the funding is provided. Yet we cannot afford to fall behind in funding the science that is the economic engine for this country. The U.S. has always led the world in innovation, and with your leadership will continue to do so.

We recognize the difficult economic climate and your responsibility to put the nation on a solid, fiscal path for the future. We believe that providing funding for basic science at NSF will position the country to compete globally, while charting a responsible path. We urge you to provide \$7.373 billion for NSF in FY 2013, an increase of 4.8 percent over the FY 2012 estimate. This is consistent with the Administration's request for NSF, and together with other agency requests, fits within the cap reached under the Budget Control Act.

Federation of Associations in Behavioral and Brain Sciences

Member Societies

American Educational Research Association	Society for Behavioral Neuroendocrinology
American Psychological Association	Society for Computers in Psychology
Association for Applied Psychophysiology & Biofeedback	Society for Industrial & Organizational Psychology
Association for Behavior Analysis International	Society for Judgment and Decision Making
Behavior Genetics Association	Society for Mathematical Psychology
Cognitive Science Society	Society for Personality and Social Psychology
Human Factors and Ergonomics Society	Society for Psychophysiological Research
International Society for Developmental Psychobiology	Society for Research in Psychopathology
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Psychonomic Society	Society of Multivariate Experimental Psychology

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U.S. House of Representatives

Committee on Appropriations

Subcommittee on Commerce, Justice, Science, and Related Agencies

Hearing on FY 2013 Appropriations

March 22, 2012

Written Testimony of:

Sheriff Lenny Millholland

Winchester, VA.

On Behalf of:

FIGHT CRIME: INVEST IN KIDS

The ensuing testimony requests the following funding for programs within the Department of Justice's Office of Justice Programs:

- *\$80 million for the JJDP Act Title II State Formula Grants;*
- *\$65 million for the JJDP Act Title V Local Delinquency Prevention Grants;*
- *\$30 million for the Juvenile Accountability Block Grant;*
- *\$80 million for Youth Mentoring;*
- *\$80 million for the Second Chance Act; and*
- *\$20 million for the proposed Evidence-Based Competitive Juvenile Justice Demonstration Grant Program.*

Mr. Chairman, Ranking Member, and Members of the Subcommittee on Commerce, Justice, Science, and Related Agencies:

Thank you for the opportunity to submit this testimony. My name is Lenny Millholland and I am the Sheriff in Winchester, Virginia. I have more than 35 years in law enforcement at the local level. I have a Juvenile Detention Center in my jurisdiction and I am a board member of the Northwest Regional Adult Detention Center. In addition, my community has Big Brothers Big Sisters and the Timbrook House providing community-based prevention efforts like mentoring or afterschool. I am also a member of Fight Crime: Invest in Kids, a national anti-crime organization of over 5,000 police chiefs, sheriffs, prosecutors, attorneys general, other law enforcement leaders, and victims of violence who have come together to take a hard-nosed look at the research about what really works to keep kids from becoming criminals.

As a Sheriff, I know that there is no substitute for tough law enforcement when it comes to keeping our communities safe. Across the country, law enforcement is busy arresting and prosecuting juvenile offenders, and the most dangerous of these youth are being locked up. The good news is that 60 percent of juveniles coming before a court for their first offense will not return to juvenile court again. Research tells us, however, that punishment alone is not always enough: among second-time offenders age 14 or younger, 77 percent will come back for a third court appearance.

Such high rates of recidivism are troubling. Our country needs to do more, particularly in these challenging economic times, to ensure kids grow up to be productive members of our society. Fortunately, our experiences—and research—show that making targeted investments in kids can help by intervening effectively to prevent recidivism or by keeping them away from crime in the first place. This approach is not only practical for public safety, but fiscally responsible as well—research shows that these investments save taxpayers far more than they cost. Title II and Title V of the Juvenile Justice and Delinquency Prevention Act, the Juvenile Accountability Block Grant (JABG), Juvenile Mentoring programs, funding under the Second Chance Act and the newly proposed Evidence-Based Competitive Juvenile Justice Demonstration Grant Program can all provide needed support for such evidence-based prevention and intervention strategies to reduce crime.

Keeping Kids Away From Crime

Funding made available under Title V Local Delinquency Prevention Grants is the only federal funding source dedicated solely to the prevention of youth crime and violence. Communities can use these grants to fund a wide range of prevention programs including after-school activities, mentoring, tutoring, as well as initiatives to prevent school drop-outs, substance abuse, and gang activity. These grants are competitive, and require localities to match at least 50 percent of the grant funds with cash or in-kind contributions. To participate in the program, localities must engage in collaborative, comprehensive planning of needed community-based delinquency prevention efforts.

As mentioned before, Title V grants can fund after-school programs that help at-risk youth avoid criminal activity in the first place. The hours of 3:00pm – 6:00pm are the “prime time for juvenile crime,” and with good reason: 15 million children lack proper adult supervision after school. These are the hours when juvenile crime soars and children are most likely to become victims of crime, be in a car accident, smoke tobacco, drink alcohol, or use drugs. Programs such as Boys & Girls Clubs connect children to caring adults and constructive activities during these critical hours. These investments have been shown by research to be effective in reducing delinquent behavior. Specifically, a comparison study found that housing projects without Boys & Girls Clubs had 50 percent more vandalism and scored 37 percent worse on drug activity than those served by the programs.

Like after-school programs, high-quality Juvenile Mentoring programs have been shown to help at-risk youth avoid criminal activity in the first place. For example, a study of Big Brothers Big Sisters found that young people who were randomly assigned to a Big Brother or Big Sister mentor were about half as likely to begin illegal drug use and nearly one-third less likely to hit someone compared to those who were assigned to a waiting list.

Effective Interventions to Reduce Recidivism

JJDP Title II State Formula Grants and the Juvenile Accountability Block Grant (JABG) can fund several proven crime-reducing therapeutic interventions for kids who have already gotten into trouble. One such intervention is Multisystemic Therapy (MST). MST targets kids who are serious juvenile offenders by addressing the multiple factors related to delinquency in their peer, school, neighborhood, and family environments. One study of MST found juvenile offenders who had not received MST were 62 percent more likely to have been arrested for an offense, and more than twice as likely to be arrested for a violent offense. MST also saved the public an average of \$22,000 for every juvenile treated. Another intervention, Functional Family Therapy (FFT), works to engage and motivate youth and their families to change behaviors that often lead to criminal activity. In one evaluation, youth whose families received FFT were found to be half as likely to be re-arrested as those whose families did not. Further, FFT was found to save the public \$35,000 per youth treated.

Evidence-Based Initiatives

We already know a lot about what works to keep kids on the right path and avoid crime. For example, a combination of intensive police supervision, expedited sanctions for repeated violence, community pressure, and expedited access to jobs, drug treatment, or other services—a carrot-and-stick approach—has shown in a number of cities that it can cut homicides by violent offenders in high crime neighborhoods. One study comparing two Chicago neighborhoods—one employing the carrot-and-stick approach and one that did not—found that in the carrot-and-stick area there was a 37 percent drop in quarterly homicide rates, while the decline in another similar neighborhood during the same period was only 18 percent.

Research, however, is only the first piece of the puzzle. The next step is providing communities with the resources and infrastructure to implement evidence-based strategies. In order to maximize crime reduction impact, we need to ensure that, to the greatest extent possible, limited federal, state and local resources are directed toward evidence-based programs. The newly proposed Evidence-Based Competitive Juvenile Justice Demonstration Grant Program would take a major step forward in that direction by using a competitive grant structure to incentivize the use of proven approaches. This initiative will help ensure that our nation is supporting what works to reduce juvenile crime.

Effective Reentry Approaches to Reduce Recidivism

Juveniles released from confinement still have their likely ‘prime crime years’ ahead of them, and unsuccessful transitions back into communities result in an alarmingly high recidivism rate of 55-75 percent for juvenile offenders. Effective reentry programs help reduce recidivism rates by providing support and resources to guide ex-offenders through a successful transition back to community life. One effective, research-based program with a strong reentry component is Multidimensional Treatment Foster Care (MTFC). MTFC provides services to youth and their families during and after a youth’s out-of-home placement, ongoing supervision by a program case manager, and frequent contact and coordination of services with the youth’s parole/probation officer, teachers, work supervisors, and other involved adults. In studies, MTFC has been shown to cut juvenile recidivism in half and saves the public an average of \$33,000 for every juvenile treated.

The Second Chance Act grants can support effective reentry efforts, including programs like MTFC. These grants provide assistance to states and localities to develop and implement strategic plans for comprehensive efforts to enable ex-offenders to successfully reenter their communities such as: family reunification, job training, education, housing, and substance abuse and mental health services.

Overwhelming Unmet Needs

Unfortunately, the evidence-based prevention and intervention programs for young people – which we know to be effective in reducing crime – remain woefully underfunded. For

example, Title II State Formula Grants, Title V Local Delinquency Prevention grants, and JABG have yet to recover from funding cuts in the years since FY 2002. Currently, even if only half of the more than 300,000 juvenile offenders on probation and half of the 150,000 juvenile offenders in out-of-home placement were eligible for evidence-based intervention programs, the number of young offenders who could benefit from evidenced-based approaches would still be many times the total currently being served by MST, MTFC, and FFT. Juvenile Mentoring funds also fall far short of meeting the needs of at-risk and troubled youth.

It is important in these challenging economic times that Congress prioritizes investments in what works to reduce crime, improve public safety and provide a significant rate of return to the taxpayer. Therefore, I urge you to include the following investments in your FY 2013 Commerce, Justice, Science and Related Agencies' spending measure:

- **At least \$80 million for the Juvenile Justice and Delinquency Prevention (JJDP) Title II State Formula Grants;**
- **At least \$65 million for the JJDP Title V Local Delinquency Prevention Grants;**
- **At least \$30 million for the Juvenile Accountability Block Grant (JABG);**
- **At least \$80 million for Juvenile Mentoring Grants;**
- **At least \$80 million for the Second Chance Act; and, in the interest of advancing evidence-based practices**
- **\$20 million to fund the proposed Evidence-Based Competitive Juvenile Justice Demonstration Grant Program.**

Law enforcement leaders' commitment to putting dangerous criminals in jail must be matched by a commitment from Congress to protect investments in kids that help prevent them from becoming career criminals. On behalf of my fellow law enforcement leaders around the country who, like me, are members of FIGHT CRIME: INVEST IN KIDS, I urge you to stand with us to improve our public safety and save taxpayer dollars by prioritizing these proven, fiscally responsible crime-prevention strategies.

Thank you again for the opportunity to submit this testimony.

To:

18 March 2012

The Honorable Members of The House Subcommittee on Commerce, Justice, Science, and Related Agencies:

I recommend that Congress reallocate approximately 3 percent from within NASA's total budget to increase the share for Science to at least 30 percent. I believe that if the United States allows other nations like China to take the lead in science, we will have only ourselves to blame for becoming a second class nation – like former world leaders such as England in the early 1900's. I am respectfully yours,

George Monser
Sierra Vista, Arizona

Gulf Fishermen's Association

The Largest Offshore Commercial Fisherman's Organization in the SE
US

My name is John Schmidt and on behalf of the board of directors for the Gulf Fishermen's Association I would like to thank you for the opportunity to submit testimony on the Administration's proposed National Oceanic and Atmospheric Administration's (NOAA's) FY 2013 budget proposal.

We urge you to support at least the \$28 million requested for the National Catch Share Program and to restore the proposed \$5 million cut to Regional Councils and Fisheries Commissions. We also ask that you oppose any effort to eliminate options for local fishermen and regional managers, including catch shares, as our country continuously improves its fisheries.

Healthy fisheries are critical to build coastal economies, jobs, and communities. But healthy fisheries are not important just to coastal fishermen. Healthy fisheries are also important to 97.3% of Americans that cannot catch their own fish in federal waters. Those Americans deserve healthy fisheries to provide access to fresh domestic seafood. Just like a healthy economy will produce more income, healthy fisheries produce more fish, and every American benefits.

The Gulf Fishermen's Association is the leading offshore commercial fishing organization in the southeastern US, with several hundred members. Our fishermen range from lifetimes of fishing experience to new entries to the fishery. We are dedicated to providing fresh domestic seafood to America's citizens year-round in sustainable fisheries.

The Gulf Fishermen have lived through overfishing; we know what it causes and how hard it is to reverse. We are very grateful for the courage and foresight that our nation has had to end overfishing and rebuild our fisheries. Already we are seeing signs of improvement in our fisheries in the Gulf. For the first time in our lifetimes, management plans are in place to increase catch limits as the fishery improves rather than decrease them as the fishery declines.

This is a tremendous accomplishment for our country and the future is brighter if we support the rebuilding plans in place. American fisheries Management is among the best in the world. No agency of the federal government has more stakeholder interaction than the fisheries management system created by the Magnuson-Stevens Act. The Gulf Fisherman's Association feels that our management system is not broken and does not need an overhaul by Congress.

Until 2006, our Gulf fisheries were managed with traditional systems of seasonal closures, endorsements, income qualifications, gear restrictions, and other indirect means of controlling how many fish were caught. But managers really have no control over factors like climatic changes, weather events, the economy, and technology. The fishery was unmanageable. Things got so bad that in 2005 the industry itself considered a plan to reduce the fleet from 1100 down to 400 boats.

Managers can, however, manage how many fish are caught in Catch Share systems. Because it was the fairest solution that allowed the most participants, fishermen worked with the Gulf of Mexico Fishery Management Council and National Marine Fisheries Service to develop the Red Snapper and Grouper Catch Share programs. Both programs were passed by more than 80% in multiple industry referendums. This process, that involves regional experts and fishermen input, is why it is so important that Congress restore the proposed \$5 million cut to Regional Councils and Fisheries Commissions. Without these entities taking the lead, fishermen participation in the process would be diluted and the quality of fishery management plans would be diminished.

Today we are providing fresh domestic seafood to our nation year-round with no closed season. We are rebuilding our fishery at the fastest rate in history and have reduced wasted resources. The fishery dependent science produced is among the best in the world and fishermen help pay for this through the cost recovery program as the fish are landed. The enforcement system and regulatory compliance by fishermen are the Gold Standard for fisheries in the Eastern United States, and fishermen help pay for that with their Vessel Monitoring Systems. Quality is up, imports are down, and income is up.

We want to thank Congress for the role it has played and America for the commitment it has made to healthy fisheries. We urge you to support at least \$28 million for catch shares in FY 2013, as it did in FY 2012, and oppose the \$5 million cut to Regional Councils and Fisheries Commissions. The Gulf Fishermen's Association looks forward to working with Congress to maximize the benefits of America's incredible Gulf of Mexico fisheries.

Sincerely,

Gulf Fisherman's Association Board of Directors:

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Dean Pruitt: Vice President, Clearwater, FL	727-512-2609
Jim Clements, Board Member, Carrabelle, FL	850-544-5703
Brad Kenyon: Board Member, Tarpon Springs, FL	727-639-0643
Jason Delacruz: Board Member, Seminole, FL	727-639-6565
John Schmidt: Board Member, Palm Harbor, FL	727-937-7822
Will Ward: Board Member, St. Petersburg, FL	727-638-8316

Testimony Submitted to the
Subcommittee on Commerce, Justice, Science and Related Agencies
Appropriations Committee

Tj Tate
Gulf of Mexico Reef Fish Shareholders' Alliance
1902 Wharf Road
Galveston, TX 77550
904-669-8894

Re: National Oceanic and Atmospheric Administration's
National Catch Share Program

March 22, 2012

On behalf of the Gulf of Mexico Reef Fish Shareholders Alliance, we are honored to provide testimony regarding the National Oceanic and Atmospheric Administration's budget, specifically in support of the \$28 million in funding for the National Catch Share Program in Fiscal Year 2013 and in opposition to any provision that would prohibit funding for catch shares programs in the U.S. I further request that you restore the proposed \$5 million cut to Regional Councils and Fisheries Commissions that are essential to designing fishery management plans based on local, fisherman input. These decisions should not be made in Washington D.C.

The Gulf of Mexico Reef Fish Shareholders' Alliance is a leading organization supporting Commercial Individual Fishing Quota (IFQ) Fishermen in the Gulf of Mexico. Its goal is to protect the interests of the fishing industry by creating sustainable and accountable fisheries.

The Gulf of Mexico American Red Snapper Story

The management plan for red snapper in the Gulf of Mexico began in 1991. It started as a pure derby fishery with an overall catch limit and a season that opened and closed when that quota was met. Under this system, each individual fisherman would race to catch as many fish as possible during the season. This was similar to the old halibut and salmon derbies in the Northwest and had about the same outcome—short season (less than 3 months), low prices, and a market void of domestic red snapper the remainder of the year. It was an unsafe, inefficient, and uneconomic way to manage the fishery. It also did little to improve the conservation of the resource.

The next attempt was a 14-day mini-season with a 2,000 lb. trip limit that began at the beginning of each month. This method extended the season to around 5 months, and was later abandoned to a 10-day mini-season, which included size limits. The boats would try to make a trip every day, regardless of weather, to get their share. The result was always the same: too much fish at the beginning of the month and none in the last two weeks. Fishermen were increasingly discarding smaller fish that did not meet the size limits and had died. When coupled with closed-season discards that also did not survive, the resource was being depleted.

Again, it was an unsafe, inefficient, and uneconomic way to manage the fishery, and it did little to improve the conservation of the resource.

As early as 2001, the increasing number of discarded fish associated with the size limits and closed seasons from both the recreational and commercial fleets began to take its toll on the fishery. This was due to the fact that discards that were assumed to have lived had not. We had to have a better system.

The stakeholders in the fishery, at the Council level, began the process of developing a red snapper individual fishing quota (IFQ) – a form of catch share or limited access privilege program. The stakeholders voted on the program by referendum, and it was implemented in January 2007.

The red snapper fishery is better now than I have seen in my lifetime. It has a longer season. It is better economically. And we are seeing a resurgence of red snappers. The difference was that by, assigning an individual his own quota, the collateral damage was reduced since he could now keep fish that he was discarding while he was fishing for other reef fish species during the other 20-day closures. It is my belief that an IFQ designed by the stakeholders is a very important tool in the fishery management strategy. It is the only tool that allows fishermen the individual flexibility to meet their needs. And since individual fishing quotas are considered a form of catch share, I feel that it is imperative that this tool remain in the budget for future consideration. Importance of Funding Catch Share Programs Such as the Red Snapper IFQ.

The Red Snapper IFQ and other catch share programs have been proven to improve the management and conservation of the fishery, which was the intended result of such programs when Congress authorized them in 2007. Both the Bush Administration and the Obama Administration have recognized the value of catch share programs, and have increasingly provided funding to NOAA so that the stakeholders in the fishery can develop and implement such programs. In fiscal year 2013, \$28 million in funding has been requested for the National Catch Share Program and the amount is consistent with what Congress approved for FY 2012. That funding is not only crucial to programs that are already on the water, such as the red snapper IFQ, but also to the development of new programs to further improve the management of our nation's fisheries.

Well-designed catch share programs feature improved monitoring systems and improved and collaborative science, so that catch shares quickly outperform traditional approaches, both scientifically and in terms of access to fish for fishermen. As discussed in the President's budget request, an investment in the National Catch Share Program represents an investment in "improvements in fishery-dependent data collection systems, fishery data management, social and economic data collection or analysis ... [and] stock assessments." These help improve the scientific data necessary to analyze and better manage fisheries.

Equally as important, these management programs are designed by Regional Councils with strong fishermen input. No two fisheries are the same and sustained local expertise in the process is essential for their lasting success. The proposed \$5 million cut to Regional Councils

and Fisheries Commissions would negatively impact the ability of fishermen and regional experts to take the lead in designing these programs.

I urge the Committee to oppose provisions that would limit the ability of the regional fishery management councils to consider the use of catch share programs, and to support funding for the National Catch Share Program.

Tj Tate
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**TESTIMONY SUBMITTED BY (RET.) CHIEF RON McBRIDE, IACP/DuPont Kevlar Survivors' Club®
Outside Witness Testimony - House Commerce/Justice/Science Appropriations Subcommittee
U.S. Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership Act
March 12, 2012**

Chairman Wolf and Ranking Member Fattah, Members of the Subcommittee, I genuinely appreciate this opportunity to submit testimony in support of a program key to law enforcement officer safety: the Bulletproof Vest Partnership Act (BVPA). I thank the Subcommittee for supporting BVPA funding in the past and ask that the program be funded at or above the level recommended in the President's Fiscal Year 2013 Budget, or \$24 million. Program demand continues to be very high: the five-year average for combined small and large agency requests for BVPA funds is \$114 million, compared to average annual funds of \$28 million allocated the BVPA (according to the Bureau of Justice Assistance).

By way of brief background, I served as a police officer for 35 years, 20 of which were as chief of police. Following that, I have documented the benefits of wearing body armor for thousands of officers across the country over the last decade through the IACP/DuPont Kevlar Survivors' Club® as created by the International Association of Chiefs of Police (IACP) and DuPont in 1987. Key functions of the IACP/DuPont partnership are encouraging law enforcement officers to wear personal body armor and celebrating the lives of officers who, as the result of wearing ballistic protection, were protected from being disabled or killed. The data collected from police survivors is shared with the non-commercial research community for the exclusive purpose of improving the next generation of body armor.

I am able to provide reported preliminary and verified saves for every state upon request. For the purposes of this testimony, the saves for Virginia are 25 and for Pennsylvania, 29. I call to your attention that we are unable to capture all saves. Agencies and officers for a variety of reasons often prefer not to submit information about an incident.

Background and Need. Law enforcement is a field that carries inherent risks, with the past two years being especially lethal years for law enforcement officers. Numbers from the Officer Down Memorial Page (www.odmp.org) note that 164 line-of-duty deaths were reported in 2011 and 162 line-of-duty deaths in 2010. Although we are at the beginning of 2012, line-of-duty deaths are already at 22 – with the first being that of a female officer – United States Park Ranger Margaret Anderson.

Considering only police line-of-duty deaths resulting from felonious attacks, the numbers are stunning. The table below reflects final FBI LEOKA (Federal Bureau of Investigation Law Enforcement Officers Killed and Assaulted) data for the years 2009 and 2010. Although the

data for 2011 is incomplete as reported by FBI LEOKA on December 27, 2011¹, the number of officers feloniously killed increased 35.4% from 2009 to 2011. This begs the question, if the reports of homicide in the country are generally decreasing, why are police homicides up?

FBI LEOKA reports of officers feloniously killed			
Type of weapon	2009	2010	2011 ¹
Number of victim officers	48	56	65
Type of firearms used to kill law enforcement officers			
Handgun	28	38	
Rifle	15	15	
Shotgun	2	2	
Type of firearm not reported	0	0	
Total officers feloniously killed by firearm	45	55	56
Weapons other than firearm used to kill law enforcement officers			
Knife or other cutting instrument	0	0	1
Bomb	0	0	
Blunt instrument	0	0	
Personal weapons (hands & feet)	0	0	2
Vehicle	3	1	6
Other	0	0	

The American police community is facing incredible challenges, not the least being officer safety. Police officers are encountering criminals armed with high-powered weapons including fully automatic rifles. Criminals are routinely wearing body armor while engaged in violent acts. Even so, men and women of American law enforcement are the first responders charged to prevent, interrupt, mitigate, and recover from a criminal act, be it a minor crime in progress or the action of a terrorist. It is vital to ensure that they are provided the tools and equipment to carry out their duties safely. This includes adequate comfort and coverage with respect to body armor.

Body armor continues to serve as an effective piece of equipment to save officers from disabilities and death – with FBI data showing relative risk of fatality for officers who did not wear body armor at 14 times greater than those who did². Documented saves include more

¹ FBI LEOKA preliminary report felonious deaths as of 12/27/11; final 2011 Law Enforcement Officers Killed and Assaulted report will be published by the FBI in 2012; visit FBI LEOKA data at <http://www.fbi.gov/about-us/cjis/ucr/leoka/leoka-2010>.

² Federal Bureau of Investigation Law Enforcement Officers Killed and Assaulted (LEOKA) data

than 3,100 officers over the past 30 years³ – a number that is likely far higher considering that many incidents go unreported in the regular course of law enforcement work. However, the Bureau of Justice Statistics (BJS) estimates that only **67% of departments require the officers to wear protective armor at all times**⁴.

Body armor protects scores of officers from injuries – both ballistic and non-ballistic – every year. However, although the National Institute of Justice (NIJ) has worked to ensure certain levels of protection for ballistic vests, the policy insufficiently addresses issues of fit, measurement, and maintenance – which has produced wide variation in the treatment of these issues by manufacturers that has led to a decreased level of safety for officers using body armor. For example, the Bureau of Justice Assistance policy fails to set standards for those taking measurements for fit and coverage, leaving room for great levels of discretion and error. Ideally, fit would be verified (1) at time of delivery, (2) at a specific period of time after delivery to provide for adjustments required after a break-in period, and (3) annually thereafter until the armor is removed from service.

The FBI reports that from 1996 to 2005, 132 officers were killed while wearing body armor from ballistic penetration of areas not covered by body armor. Of those killed, 26% were wounded between side vest panels, 35% around the armholes or shoulder, 25% above the vest, and 14% below the vest. The actual numbers are much greater as this information is limited to felonious deaths and does not include assaults where the officer survived. These numbers highlight the importance of ensuring good fit and measurement to provide officers with equipment that provides maximum safety.

Special Issue Concerning Female Body Armor. Law enforcement is no longer a men-only occupation. Numbers show that for the past few decades, the number of women in law enforcement has consistently increased – for all levels of law enforcement⁵:

- By 2008, about 100,000 women served as federal, state, or local law enforcement officers.
- The number of women in local enforcement grew from 7.6% in 1987 to 12% by 2007.
- Among local law enforcement agencies, women represented more than double the percent of sworn personnel in large agencies than compared to small agencies.
- In 2007, women made up 18% of sworn officers in 12 of the 13 largest local police departments.

³ International Association of Chiefs of Police (IACP)/DuPont Survivors' Club®

⁴ Bureau of Justice Statistics Web site, based on Law Enforcement Management and Administrative Statistics survey, and the Census of State and Local Law Enforcement Agencies:
<http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=71>

⁵ Bureau of Justice Statistics Crime Data Brief: Women in Law Enforcement, 1987-2007:
<http://www.bjs.gov/content/pub/pdf/wle8708.pdf>

Regrettably, when it comes to body armor for women, usage of body armor specifically designed to fit the female torso is limited. Much of the armor currently offered is designed for male officers and does not take into account the anatomical differences between male and female officers. In one survey, female officers complained that the poor fit, especially in the bust, made it “hard to breathe,” and another noted that the tight fit made her feel “squashed” – hardly top conditions under which female officers should operate. A survey conducted by the Institute for Women in Trades, Technology, and Science found that 33% of female officers reported fit problems, compared to 6% of their male counterparts. Even so, many female officers shun the stigma surrounding perceived “special treatment” by superiors and, therefore, fail to request equipment made to suit them even though it may only run \$100-150 more than male armor. Many end up requesting body armor designed for a male body, to keep up with their male peers, but find it impractical to use. Clearly, the level of education and awareness concerning this type of protective equipment must be elevated.

BVPA. Some of these issues related to fit and coverage were studied by the Government Accountability Office, which released a report (GAO12-353) on February 15, 2012, entitled, “Law Enforcement Body Armor: DOJ Could Enhance Grant Management Controls and Better Ensure Consistency in Grant Program Requirements”. According to the report’s highlights, here are key findings and recommendations:

“The Department of Justice (DOJ) has a number of initiatives to support body armor use by state and local law enforcement, including funding, research, standards development, and testing programs. Two Bureau of Justice Assistance (BJA) grant programs provide funding to state and local law enforcement to facilitate their body armor purchases. The Bulletproof Vest Partnership (BVP) program offers 2-year grants on a reimbursable basis. ...

“DOJ designed several internal controls to manage and coordinate BJA’s and NIJ’s body armor activities, but could take steps to strengthen them, consistent with standards for internal control. For example, the BVP program has not deobligated about \$27 million in undisbursed funds from grant awards whose terms have ended. To strengthen fund management, DOJ could deobligate these funds for grants that have closed and, for example, apply the amounts to new awards or reduce requests for future budgets. Also, unlike the BVP program, the JAG program does not require that the body armor purchased be NIJ compliant or that officers be mandated to wear the armor purchased. To promote officer safety and harmonize the BVP and JAG programs, DOJ could establish consistent body armor requirements. ...

“GAO recommends that among other actions, DOJ deobligate undisbursed funds from grants in the BVP program that have closed, establish consistent requirements within its body armor grant programs, and track grantees’ intended stab-resistant vest purchases. DOJ generally agreed with the recommendations.”

The recommendation by GAO to deobligate unused funds warrants judicious consideration. It is my understanding that the unused funds, referenced in the GAO report, were not drawn down by the requesting jurisdictions during the period of 2004 through 2009. As I understand it, beginning with 2008 BPVA awards, BJA reduced the amount of new awards equal to unused/expired funds in a jurisdiction's account and decreased the eligibility period for use of funds from four years to two. Deobligating funds as recommended by the GAO could have a detrimental effect on jurisdictions requiring more time to spend down the remainder of their grants.

Thus, in addition to funding the BVPA at a level equal to or higher than the President's FY13 request of \$24 million, I urge the Subcommittee to not approve deobligation of BVPA funds as recommended by the GAO and allow more time for grantees to use those monies to purchase body armor for officers. Hopefully this will also be body armor that fits well, covers areas adequately, and is comfortable enough to allow the officer to properly do his or her job.

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Statement of the Institute of Makers of Explosives
Submitted by
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For the Subcommittee on Commerce, Justice, Science and Related Agencies
U.S. House of Representatives

FY 2013 DOJ Budget Request for the Bureau of Alcohol, Tobacco, Firearms and Explosives

Interest of the IME

IME is a nonprofit association founded in 1913 to provide accurate information and comprehensive recommendations concerning the safety and security of commercial explosive materials. IME represents U.S. manufacturers, distributors and motor carriers of commercial explosive materials and oxidizers as well as other companies that provide related services. The majority of IME members are “small businesses” as determined by the U.S. Small Business Administration.

Millions of metric tons of high explosives, blasting agents, and oxidizers are consumed annually in the United States. These materials are essential to the U.S. economy. Energy production, construction, and other specialized applications begin with the use of commercial explosives. IME member companies produce ninety-nine percent of these commodities. These products are used in every state and are distributed worldwide. The ability to manufacture, distribute and use these products safely and securely is critical to this industry.

Commercial explosives are highly regulated by a myriad of federal and state agencies. ATF plays a predominant role in assuring that explosives are identified, tracked, purchased, and stored only by authorized persons. We have carefully reviewed the Administration’s FY 2013 budget request for ATF, and have the following comments about its potential impact on the commercial explosives industry.

ATF’s Explosives Regulatory Program Budget Request

The administration’s FY 2012 budget request proposes to decrease resources devoted to ATF’s regulation and oversight of explosives industries by 24 FTE, a seven percent reduction, from 335 FTE to 311 FTE, for a savings of \$940,000.¹ This FTE reduction represents nearly half of the staffing reduction the Bureau’s Arson and Explosives Program is being asked to absorb.

We understand the current urgency to address the federal budget deficit. We understand the shared sacrifice that all segments of the government are asked to make to help the economy recover by spurring job growth and investment. Yet, budgetary cuts to the bureaucracy should not cut essential services. By law, ATF must inspect explosives licensees and permittees at least once every three years and conduct background checks of so-called “employee

¹ FY 2013 ATF Budget Submission, page 49.

possessors” of explosives and “responsible persons.” During the last full fiscal year, ATF conducted over 4,000 such compliance inspections and identified 1,392 public safety violations.² In addition to this workload, ATF must process applications for new explosives licenses and permits as well as those submitted for renewal of existing licenses and permits. Over 2,700 such applications were processed during the last full fiscal year.³ The Bureau must also conduct inspections of all new applicants. Over 56,000 background checks were completed for employee possessors and over 9,000 for responsible persons.⁴ These are significant workload indicators.

ATF recognizes that its ability to perform its statutory responsibilities will be negatively impacted by these resource cuts. ATF estimates that, in FY 2010, it met its statutory responsibilities 95.8 percent of the time. In FY 2012, it estimates that this performance rate will fall to 88 percent. And, with the resource cuts anticipated in FY 2013, this competency rate will fall to 85 percent. The Bureau’s falling productivity cannot help but have adverse impacts on our industry. Without approved licenses and permits from ATF, our industry cannot conduct business. Delays in servicing the needs of our industry may lead to disruptions in other segments of the economy that are dependent on the products and materials we provide.

At the same time, duplication between government programs wastes resources. Last year, the U.S. Government Accountability Office (GAO) highlighted areas of duplication between the ATF and the Federal Bureau of Investigation (FBI) that relate to explosives incidents.⁵ As early as 2004, duplication and overlap were identified in the areas of investigations, training, information sharing and use of databases, and laboratory forensic analysis. While ATF’s budget request provides updates of plans for consolidating and eliminating these redundancies, we continue to watch for other potential areas of overlap. In describing its role as the sole repository of data on explosives incidents, ATF states that “eight billion pounds of ammonium nitrate are produced, of which half is used for explosives.”⁶ In fact, the percentage used by the explosives industry has been rising and currently stands at 70 percent. As a regulatory matter, the security of ammonium nitrate (AN), along with other explosives precursors, has been delegated to the U.S. Department of Homeland Security (DHS). We believe that DHS could learn from ATF’s regulation of commercial explosives as it finalizes rules to secure the commerce of AN. In particular, DHS should recognize that employees who have been vetted and cleared by ATF to possess explosives should not have to be vetted again in order to engage in the commerce of AN.

As the Subcommittee considers ATF’s budget request, we ask that the Bureau’s ability to perform its regulatory oversight of the explosives industry in a timely fashion not be compromised in the push for fiscal discipline when other areas of duplication and overlap are ripe for reform.

² FY 2013 ATF Budget Submission, page 42.

³ FY 2013 ATF Budget Submission, page 42.

⁴ FY 2013 ATF Budget Submission, page 42.

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⁵ “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue,” GAO, March 2011, pages 101-104, <http://www.gao.gov/new.items/d11318sp.pdf>.

⁶ FY 2013 ATF Budget Submission, page 38.

ATF's Regulatory Workload

In the last ten years, ATF has issued eight rulemakings of importance to IME (including two interim final rules). It has finalized three and withdrawn two. Of the three rulemakings still pending, two are interim final rules and the oldest dates to 2003. In the absence of a process to ensure timely rulemaking that is capable of keeping up with new developments and safety practices, industry must rely on interpretive guidance and variances from outdated requirements in order to conduct business. While we greatly appreciate the Bureau's accommodations, these stop-gap measures do not afford the continuity and protections that rulemaking would provide the regulated community, nor allow the oversight necessary to ensure that all parties are being held to the same standard of compliance. These regulatory tasks are critical to the lawful conduct of the commercial enterprises that the Bureau controls. ATF should be provided the resources to make timely progress in this area.

Industry Standards

We take seriously the statutory obligation that ATF take into account industry's standards of safety when issuing rules and requirements.⁷ We continue to fulfill this obligation through our development of industry best practices for safety and security, membership in relevant standard-setting organizations, and active participation in forums for training. We have offered ATF recommendations that we believe will enhance safety and security through participation in the rulemaking process, in the Bureau's important research efforts, and in other standard-setting activities.

In this regard, IME has spent years developing a credible alternative to strict interpretation of quantity distance tables used to determine safe setback distances from explosives. IME collaborated in this development with the Department of Defense Explosives Safety Board as well as Canadian and U.S. regulatory agencies, including ATF. The result is a windows-based computer model for assessing the risk from a variety of commercial explosives activities called IMESAFR.⁸ ATF and other regulatory agencies are recognizing the value of IMESAFR and are participating in development meetings for Version 2.0. ATF is also evaluating existing licensed locations with this risk-based approach. These efforts are vital for ATF to remain on the forefront of public safety and we strongly encourage ATF's continued support. The benefits of risk-based modeling should be officially recognized by ATF and resources should be provided to develop policies that allow the use such models to meet regulatory mandates.

Leadership

The resolution of these issues may have to wait the appointment of a new ATF director. The Bureau has been without a director since August 2006. We support President Obama's

⁷ 18 U.S.C. 842(j).

⁸ IMESAFR was built on the DDESB's software model, SAFER. The DDESB currently uses SAFER and table-of-distance methods to approve or disapprove Department of Defense explosives activities. Not only can IMESAFR determine the amount of risk presented, but it can also determine what factors drive the overall risk and what actions would lower risk, if necessary. The probability of events for the activities were based on the last 20 years experience in the U.S. and Canada and can be adjusted to account for different explosive sensitivities, additional security threats, and other factors that increase or decrease the base value.

nomination of Andrew L. Traver for this position.⁹ We hope that the Senate will timely act on this nomination. The Bureau has been too long without permanent leadership.

Conclusion

The manufacture and distribution of explosives is accomplished with a remarkable degree of safety and security. We recognize the critical role ATF plays in helping our industry achieve and maintain safe and secure workplaces. Industry and the public are dependent on ATF having adequate resources to fulfill its regulatory responsibilities. It is up to Congress and, in particular, this Subcommittee to ensure that ATF has the resources it needs. We strongly recommend full funding for ATF's explosives program.

March 8, 2012

⁹ Received in the Committee on the Judiciary, United States Senate, January 05, 2011, PN44.

3/21/2012

John F Shubert
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As a member of the Planetary Society since the late 1970s and as a very concerned American citizen about the deep and disheartening United States Space program budget cuts, I stand with the Planetary Society and wholly support the following recommendation from the society.

Specifically, the Planetary Society recommends reallocating approximately 3 percent from within NASA's total budget to rebaseline the share for Science to at least 30 percent, and restoring the \$300 million cut to Planetary Science to fund it at \$1.5 billion. This modest rebalancing will allow NASA to fully implement the decadal survey for Planetary Science, send a mission to Mars and prepare for missions to the outer planets, while allowing NASA to continue a robust program of missions in Earth Science, Astronomy and Heliophysics.

When you consider NASA fiscal year 2013 budget please consider how long we have been tied to earth orbit and the only true inspiration and excitement in space exploration has been provided by the robotic planetary missions.

Thank you.

John F Shubert

What the Legal Services Corporation Doesn't Want Congress to Know

Written Statement
Submitted to the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
March 22, 2012
Hearing – Members and Outside Witnesses
By Kenneth F. Boehm
Chairman, National Legal and Policy Center, Falls Church, Virginia

Members of the House Committee on Appropriations are certainly used to hearing from representatives of federally-funded programs about the good work done by such programs and why they need many millions more in taxpayer funds, despite the unsustainable national debt. This year the Legal Services Corporation has submitted a FY2013 budget request for \$470 million.

As someone who served in senior positions within the Legal Services Corporation (LSC) from 1989-1994 (Counsel to the LSC Board, Director of the Office of Policy Development), I would like Congress to know what LSC does not want them to know.

Most funding for LSC-funded programs comes from non-LSC sources – not LSC.

But you would not find this important fact anywhere in the 34-page [Legal Services Corporation Budget Request for 2013](#).

In fact, you would find quite a bit of deceptive rhetoric and graphics underscoring the need for more taxpayer support.

For example, the bar graph on page 4 of the 2013 budget request is entitled, “LSC Basic Field Grants and Other Core Funding in Decline.” For 2010, the last year for which complete outside funding levels is available, there are bars depicting LSC appropriations, IOLTA funds and state grants. If you add the IOLTA funds and the state grant funds, you would see a total of \$193.2 million, far less than the \$394.6 million in LSC funding.

This graphic is deceptive because for 2010, the total non-LSC funding for Legal Services programs was \$541,679,921, far **more** than the LSC Basic Field Grants appropriation. The source of this \$541 million figure is LSC itself in its [Legal Services Corporation Fact Book 2010](#). And to get to the fact book, you just need to go three levels down on the LSC web page (www.lsc.gov), under “Media.” But don’t expect LSC to tell this to Members of the House Appropriations Committee.

By leaving out over \$348 million in other categories of non-LSC funds (such as private grants, funding from other federal programs, local grants, filing fee income, etc.)

going to LSC-funded programs in 2010, anyone reading the 2013 budget request might well conclude that LSC-funded programs get most of their funds from LSC.

The reality is that most of their funding comes from non-LSC sources.

LSC apparently just does not want Congress to know this when Congress is deciding 2013 funding levels.

**Most legal assistance to the poor does not
come from LSC-funded lawyers.**

But you would not find this important fact anywhere in the 34-page Legal Services Corporation Budget Request for 2013.

Overwhelmingly, most legal assistance to the poor comes from a variety of sources other than lawyers working for LSC-funded programs – and always has.

According to the American Bar Association's Standing Committee on Pro Bono and Public Service's 2009 report, Supporting Justice II: A Report of the Pro Bono Work of America's Lawyers, pro bono participation is on the rise among American lawyers. Their survey indicated that 73% of respondents provided free legal services to persons of limited means and attorneys reported providing 41 hours of service during the previous 12 months.

Hundreds of private legal assistance groups do not receive LSC funding. One notable such group is the Indianapolis Legal Aid Society. Founded in 1941, this private group has served thousands of clients, receives no federal funds, and is the only group in central Indiana that provides legal access to the poor within 1-2 days.

Virtually every law school in the country has some type of clinical legal program, with many serving the poor in such areas as housing law. These programs typically involve third-year law school students under the supervision of law professors and experienced attorneys.

Several important trends are also undercutting the notion that only federally funded lawyers can provide justice to the poor.

The first trend is the long-term move toward fact-based small claims courts where parties argue the facts without the need for attorneys on a wide range of civil issues. And the jurisdictional amount has gradually crept higher.

The second important trend is toward increased mediation in a wide range of civil matters, especially where the amount in controversy does justify the time and expense of opposing lawyers running up considerable legal costs.

Former LSC Inspector General David Wilkinson, a Rhodes Scholar and former state attorney general, extensively studied pro bono services and determined there were 1,350 pro bono groups not receiving LSC funds. His research was presented in Legal Services for the Poor: Is Federal Support Necessary published by the Capital Research Center as part of its Alternatives in Philanthropy series. He estimated that far less than 10% of the poor who receive legal assistance receive it from LSC-fund lawyers.

And as was already shown, far less than half of the funding to LSC-funded programs comes from LSC.

**LSC-funded lawyers and LSC can ignore
Congressional reforms.**

And have been doing so for years.

Most federally-funded programs, agencies and departments are authorized as a pre-condition to being funded. The best indicator of how controversial LSC is that its last authorization expired in 1980. The House rule requiring authorization must be waived annually for the LSC appropriations to pass.

Congress has tried for years to reform LSC. The last major attempt was in 1996 when a series of appropriations riders were passed forbidding LSC-funded lawyers from doing drug-related public housing evictions, prisoner lawsuits, challenging welfare reform, engaging in abortion litigation, lobbying, representing illegal aliens and litigating Congressional redistricting cases.

The first thing Legal Services lawyers and their allies did was to try to litigate to overturn all of the reforms. That didn't work.

Then – as recently as 2010 – Legal Services activist lawyers and their allies supported legislation aimed at gutting the reforms. That didn't work either.

Meanwhile, year after year, Congress continued to pass the 1996 reforms and restrictions as part of the LSC appropriations.

But there were still other methods to resist the Congressional reform efforts.

Under the LSC Act, the Legal Services Corporation is technically a non-profit corporation. No one but LSC may enforce the LSC Act and regulations. More often than not, the LSC board is stacked with LSC supporters openly hostile to the reforms and restrictions.

The case of *Regional Management Corp. v. Legal Services Corp.* decided by the U.S. Court of Appeals for the Fourth Circuit in 1999 dramatically illustrates how unaccountable LSC and its programs can be.

A third party believing itself harmed by lobbying of LSC-funded lawyers before the South Carolina legislature filed a complaint with LSC accusing the lawyers of violating both Federal law and LSC regulations. LSC dismissed the complaint. The complainant then went to federal court seeking judicial review.

The trial judge found that LSC had failed to fully investigate the charges and that LSC did not have a rational basis for determining that the lawyers did not violate federal law.

Rather than investigate the complaint, LSC appealed the case and argued that it was a private corporation set up by Congress and was not subject to judicial review. LSC won.

The LSC-funded lawyers who violated the restriction by Congress against lobbying were never punished by LSC.

The morale of the story is that LSC and the programs it funds openly thumbed their noses at the restriction against lobbying.

Worse, the LSC board passed a resolution commending the law firm which won the case, praising them for winning the case because a loss “could have had a chilling effect on the legitimate and vital advocacy work of these programs.”

Never mind that Congress had repeatedly passed an appropriations rider which explicitly forbade lobbying by LSC-funded lawyers.

If this was an isolated incident, it would perhaps be explainable as overly zealous lawyers at the field program, LSC management and the LSC board.

Unfortunately, this pattern of ignoring the will of Congress is the rule not the exception.

LSC and the programs it funds have repeatedly been the focus of critical reviews by the U.S. Government Accountability Office for everything from general mismanagement (Legal Services Corporation: Improvements Needed in Controls over Grant Awards and Grantee Program Effectiveness, GAO-10-540, June 2010) to cooking the books on the integrity of the Legal Services case counts provided to Congress (Substantial Problems in 1997 Case Reporting, GGD-99-135R, June 1999).

In that case over-counting scandal, LSC presented the exaggerated claims of legal services cases to the House Appropriations Committee, even though a professional staffer from the LSC Inspector General’s office had told LSC that the numbers were faked. That brave staffer resigned his position and became a whistle blower in order to tell the Committee that the case numbers were wildly padded.

After the Associated Press ran a story nationally on the scandal and after the GAO – at the request of Congress – investigated and confirmed the wide pattern of falsified case numbers, LSC claimed it had solved the problem. Now a bit dubious as to LSC’s credibility, Congress had the GAO run another review. They discovered the problem was still not solved. In fact, GAO found that 62 LSC-funded programs did not certify to LSC that their case counts were correct. (More Needs to be Done to Correct Case Service Reporting Problems, GAO report T-GGD-99-185, September 1999)

Exasperated by the scandals and mismanagement, Congress sought to use report language accompanying appropriations bills, letters to LSC, oversight hearings and other methods to get LSC to abide by the reforms.

Other examples of abuses abound. Congress had mandated competitive grants for LSC grants since past practice was to give programs new grants, regardless of the quality of their work. As was argued at the time the reforms were adopted, rewarding mediocre programs with “presumptive refunding” is hardly the way to encourage excellence.

The programs and LSC ignored the requirement with only a handful of programs having any competition and fewer still not receiving grant renewals. The same problem exists today.

The list of problems besetting this troubled program far exceeds the space limitations here.

While LSC’s contentious history of undermining the best efforts of Congress to reform it is troublesome, Congress must remember what LSC never wants to disclose:

- (1) Most of the funding for LSC-funded programs does not come from LSC.
- (2) Most legal aid to the poor comes from non-LSC sources.

Perhaps a program which cannot get reauthorized for 32 years and a program which celebrates its ability to ignore Congressional reform is an ideal candidate to have its funding eliminated.

Kenneth F. Boehm
Chairman
National Legal and Policy Center
107 Park Washington Court
Falls Church, VA 22046
www.nlpc.org

March 19, 2012

FROM:
Konstantin Azbel,
Senior geophysicist,
(oil & gas exploration)
Houston, TX, USA

TO:
Committee of Commerce, Science and Transportation
U.S. Senate

Hearing: Priorities, Plans, and Progress of the Nation's Space Program

As a long-time supporter of NASA's space program, I am deeply troubled with the proposed NASA's FY13 budget, especially the 20% cut of arguably the most important project of all - the planetary exploration program.

If implemented, the proposed budget plan will have a detrimental effect on the US strategic lead in science and technology and can cause irreparable damage to the future planetary exploration, which is important not only to our country, but to the human society as a whole.

I am deeply concerned with the apparent inability of the US government, both the Bush and Obama administrations, to provide a coherent direction and adequate funding to the unique NASA space programs. Because of my disappointment in the ability of the Obama administration to support scientific priorities, for the first time I am considering to vote for his Republican opponent.

Please re-consider the proposed budget. Specifically, I recommend reallocating approximately 3 percent from within NASA's total budget to rebaseline the share for Science to at least 30 percent, and restoring the \$300 million cut to Planetary Science to fund it at \$1.5 billion.

With kind regards,

Konstantin Azbel

**The Leadership Conference
on Civil and Human Rights**

1629 K Street, NW 202.466.3311 voice
10th Floor 202.466.3435 fax
Washington, DC www.civilrights.org
20006



March 22, 2012

**Fully Fund Civil Rights Enforcement in
Commerce, Justice, Science, and Related Agencies Appropriations**

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Jacqueline Johnson Pala
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Educational Fund, Inc.
Dennis Van Rooye
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American Civil Liberties Union
Thomas A. Saenz
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Shama L. Smith
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Human Rights Campaign
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President & CEO
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Executive Vice President & COO
Karen McCall Liverson

The Honorable Frank R. Wolf
Chairman
Subcommittee on Commerce, Justice,
Science and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Chaka Fattah
Ranking Member
Subcommittee on Commerce, Justice,
Science and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Wolf and Ranking Member Fattah:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 210 national organizations to promote and protect the right of all persons in the United States, we urge you to ensure that civil rights enforcement is adequately funded in the Commerce, Justice, Science, and Related Agencies' fiscal year 2013 budget. The vitality and effectiveness of our nation's civil rights laws depend upon the commitment and strength of the federal agencies charged with their enforcement, and therefore, ensuring their adequate funding is essential.

Across the government, the various federal civil rights agencies investigate, redress and enforce instances of discrimination, and provide guidance to individuals and businesses about their rights and responsibilities under the law. In so doing, they rely on objective, inclusive data on America's diverse communities and populations. In recent years, civil rights enforcement programs and activities have been significantly underfunded, which has undermined enforcement. We applaud the increases President Obama has proposed and urge you to ensure more robust funding for each civil rights agency. The funding for Fiscal Year 2013 and succeeding years should be carefully aligned with the identified needs of each agency, taking into consideration the overall agency budget, civil rights statutory jurisdictions, complaint flow, complexity of case investigations and resolutions, needs and plans for proactive compliance reviews, and staff training and capacity-building needs, among other factors.

As such, we urge you to support the following amounts:

- Equal Employment Opportunity Commission: \$373,711,000, including \$29,500,000 for State and Local programs (as requested in the president's budget).
- Department of Justice, Civil Rights Division: \$153,300,000 (as requested in the president's budget).
- Legal Services Corporation: \$402,000,000 (as requested in the president's budget).



- Census Bureau: \$970,000,000 (as requested in the president's budget).

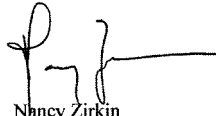
We urge you to ensure that these agencies receive full funding in the FY2013 Commerce-Justice-Science appropriations bill. At a minimum, we urge you to fund them at the president's requested budget levels to help provide the legal assistance and civil rights enforcement to those in need, and the robust data analyses to support these activities.

If you have any questions, please feel free to contact Counsel Lexer Quamie at (202) 466-3648 or quamie@civilrights.org or Nancy Zirkin at (202) 466-3311 or zirkin@civilrights.org. Thank you for your consideration.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President

March 19, 2012

Written testimony by
 Luke Jennings
 Concerned Citizen and Member of The Planetary Society

to the

Hearing - Members and Outside Witnesses (Regarding NASA's budget)
 Subcommittee on Commerce, Justice, Science, and Related Agencies
 Committee on Appropriations
 U.S. House of Representatives

I was shocked when I heard the news that the proposed NASA FY13 budget will slash spending on the Science Mission program. This will cancel NASA flagship missions to Mars and the outer planets. This is not just a disaster for NASA but in broader terms this is damaging to America's future. The NASA flagship missions are a terrific investment in America's science & technology prowess, are a major source of inspiration for young Americans, and are huge boosts to "Brand America".

Everyone understands that we have been through an economic crisis and hard choices have to be made, but tough economic times are exactly when you should spend money on research and development. In the late 1990s when the Apple Computer Company was facing bankruptcy how did Steve Jobs save the company? By slashing the budget for new technology and research? No, he doubled down on research and the payoff was a dazzling array of products that made Apple the most valuable company in the world. NASA should likewise continue to fund the flagship planetary exploration missions that are a part of the Science Mission Directorate budget. Is not cutting edge science, engineering, and manufacturing work done right here in America exactly the kind of economy we want?

There is a lot of talk from industry leaders and politicians about how America is not educating enough scientists and engineers to meet the demands of a 21st century economy. Cutting NASA's budget for flagship missions is only going to worsen this problem. I can tell you from my own experience that it was my love of NASA's robotic and human space programs that led me to choose to major in engineering in college. I spent ten years working in the aerospace industry and now work as a software developer, a career path that I directly attribute to the awe inspiring NASA programs of my youth in the 70s and 80s.

NASA is America showing our best face to the world. Five decades of stunning accomplishments in space are an important factor in America's global prestige, helping keep the shine on "Brand America". The programs on the cutting block in the FY13 budget are exactly the kinds of missions that show America in a good light to the world. Also, one of the near-term consequences of this proposed budget would cancel scheduled missions to Mars requiring NASA to act in bad faith and back out of a proposed partnership with the European Space Agency. This would demonstrate that America is an unreliable partner and will force to the ESA to look to Russia and China for help instead.

In conclusion, I support the calls by the Planetary Society, the Mars Society, and Neil deGrasse Tyson to urge the Committee to please restore NASA's Science Mission Directorate budget.

Specifically I support the Planetary Society's budget recommendations reallocating approximately 3 percent from within NASA's total budget to rebaseline the share for Science to at least 30 percent, and restoring the \$300 million cut to Planetary Science to fund it at \$1.5 billion. This modest rebalancing will allow NASA to fully implement the decadal survey for Planetary Science, send a mission to Mars and prepare for missions to the outer planets, while allowing NASA to continue a robust program of missions in Earth Science, Astronomy and Heliophysics.

Sincerely,

Luke Jennings
Seattle, WA

STATEMENT OF
JOSEPH SUMMERILL
BEFORE THE
COMMITTEE ON APPROPRIATIONS
COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
“CONTRIBUTION OF THE DEPARTMENT OF JUSTICE, OFFICE OF THE FEDERAL
DETENTION TRUSTEE”
SUBMITTED MARCH 22, 2012

Good morning Chairman Wolf, Ranking Member Fattah, and distinguished Members of the Subcommittee. I appreciate the opportunity to submit my written testimony discussing the elimination of the Department of Justice, Office of the Federal Detention Trustee (OFDT) in the Fiscal Year 2013 budget. My name is Joseph Summerill, and I represent Sheriffs who contract with the United States Marshals Service (USMS) to house federal prisoners in their local jails. I am also the general counsel for the Major County Sheriffs' Association and a former commercial law attorney for the Federal Bureau of Prisons (BOP). However, the opinions expressed today are my own and not the opinions of my clients.

OFDT has made significant contributions in federal detention management, and as such, should not be eliminated or merged with any other agency. For example, merging OFDT with the USMS would hinder both efficient and cost-effective federal detention management services. OFDT adds vital detention planning to the Department of Justice (DOJ). With its contract monitoring system, coordination with the BOP on in transit issues, and in particular, its facilitation of contracts between the USMS and local jurisdictions, it is clear that OFDT should not be eliminated in the FY 2013 budget.

OFDT has a robust contract monitoring process which covers major federal detention procurements. Historically, these OFDT officers provided guidance to USMS grants officers, who lacked the expertise and independence to review, track, and follow up on contract monitoring issues. OFDT bridges this gap. Also, because OFDT is an independent organization, it is a more objective and effective contract monitoring entity. While some local jurisdictions may be inclined to overlook compliance issues to maintain the low cost of a contract to house federal prisoners, the OFDT ensures compliance, making the federal government less susceptible to incidents and non-performance issues.

Additionally, OFDT's status as an independent organization has allowed it to be an effective negotiator on reducing time in transit from sentencing to designation for federal prisoners, resulting in more effective allocation of costs between BOP and USMS and the creation of several cost-reduction strategies. For example, because of OFDT's coordination with the BOP, it was recognized that a large number of federal prisoners do not require designation and now serve their sentences in facilities closer to their homes.

While OFDT was established to coordinate the efforts of USMS, BOP, and INS (now Immigration and Customs Enforcement, or ICE), ICE was moved to the Department of Homeland Security; therefore, OFDT largely represents USMS detention needs. The USMS houses approximately 63,000 federal prisoners per day, over half of whom are residing in a local jail operated by a local Sheriff. In the past, Sheriffs were reimbursed by USMS for the actual cost of housing a prisoner in a local jail under Intergovernmental Agreements (IGAs) executed by the Sheriff and the USMS. These IGAs included a per diem rate at which the USMS would reimburse the Sheriff for the costs of housing one federal prisoner per day. These rates only included the actual jail operating costs from the previous fiscal year. Sheriffs were routinely

susceptible to audits, and the federal government could retroactively demand reimbursement of funds already given to the Sheriffs. As a result, the Sheriffs underestimated their costs and received inaccurately low per diem rates.

The OFDT is also the “DARPA” of federal detention policy. For example, in 2006, OFDT created the Detention Services Network (DSNetwork), which is an automated network that advances the previously inadequate process by which USMS contracts with local Sheriffs. By 2007, the old IGAs were replaced with “electronic Intergovernmental Agreements” (eIGAs). Under this system, Sheriffs can now submit projected / future jail operating costs online. The increased efficiency and benefit to the local governments cannot be emphasized enough.

Merging the OFDT and the USMS will dramatically hinder the effectiveness and efficiency of this IGA negotiation process, drawing out the process over an even longer period of time and at the expense of local Sheriffs. At a time when all governments, federal, local, and state, are facing budget and economic issues, the eIGAs between the USMS and local Sheriffs contribute a great deal to counties’ economic development, which is crucial. To remove OFDT from this process would be of great economic detriment to local governments.

Since its inception, OFDT has provided valuable oversight of federal detention management, provided robust contract monitoring, coordinated with the BOP on in transit issues, and facilitated contract negotiations between local governments and USMS. This Subcommittee should reevaluate the value of the OFDT during Fiscal Year 2014. OFDT has proven its value with its current management system and has proven its potential with such tremendous improvements seen with the recent replacement of the old IGAs with the more streamlined eIGAs. The OFDT is beneficial for both local Sheriffs who contract with the Federal government as well as the USMS themselves. The OFDT should be an agency that we utilize more in the upcoming years, not an agency that we dissolve in the wake of tough economic times.

This concludes my statement. Thank you for your time.

TESTIMONY OF TERESA HUIZAR,
EXECUTIVE DIRECTOR, NATIONAL CHILDREN'S ALLIANCE

for the

US HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUB-COMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

MARCH 22, 2012

Subcommittee: Commerce Justice Science
Agency: Justice
Account: Office of Justice Programs
Program: Victims of Child Abuse Act
Describe Program Request:

Funding for programs authorized under the Victims of Child Abuse Act of 1990 provides competitively awarded grants to the National Children's Alliance, local Children's Advocacy Centers around the country, the four Regional Children's Advocacy Center programs, and the National Children's Advocacy Center. This funding supports the national membership organization to assure the highest standard of care is provided within all Children's Advocacy Centers; provides modest financial support for these Centers; and supports training and technical assistance for child abuse professionals throughout the United States so those professionals on the front lines can intervene effectively in cases of child sexual and physical abuse. Together, these programs are helping our children recover from abuse, reducing the prevalence of abuse, and – through their coordinated multidisciplinary services – reducing the cost of intervention in cases of child abuse and bringing perpetrators to justice.

Request Amount: \$20,000,000

Chairman Wolf, Ranking Member Fattah, Members of the Sub-committee: thank you for the opportunity to provide testimony regarding the funding priorities of the House Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies.

National Children's Alliance is the national association and accrediting body for, as well as a provider of training and technical assistance to, more than **750 Children's Advocacy Centers throughout the US**. We empower local communities to respond to child abuse by providing grants, funded through the Victims of Child Abuse Act, for the start-up and development of Children's Advocacy Centers which coordinate a multidisciplinary team for the investigation, prosecution, and treatment of child abuse. These Children's Advocacy Centers served more than **279,000 child victims of abuse** throughout the US last year alone; **2/3 of whom were victims of sexual abuse**.

Child Sexual Abuse

Children of every gender, age, ethnicity, socioeconomic status, and family structure are at risk for sexual abuse. Child sexual abuse is a crime perpetuated by silence and secrecy. Isolation, whether within a family or by community, adds significant risk for sexual abuse. Children who live in rural areas, for example, are almost 2 times more likely to be identified as victims of child sexual abuse.¹

Understanding the scope of the problem also necessitates understanding that child sexual abuse exists on a continuum of deviant and harmful behavior by the perpetrator that begins on one end with secretive and furtive victimization, slides into amateur or professional photo-documentation of that abuse primarily for the sexual gratification of the offender, may move toward commercialization or public sharing of those images with other offenders, and on the far end of that continuum may include prostituting or trafficking the child. And, of course, a child may experience one, all, or some combination of these forms of child sexual abuse.

Responding to Child Abuse and the Role of Children's Advocacy Centers

Children's Advocacy Centers play a key role in the investigation and prosecution of child abuse cases and in the healing of victims. Children's Advocacy Centers are child-friendly facilities in which a multidisciplinary team comprised of law enforcement, child protective services, prosecutors, victim advocates, medical practitioners, and mental health professionals convenes and coordinate its efforts to investigate and prosecute child abuse cases while protecting children and providing needed treatment to victims. Across the United States, there are currently seven hundred and fifty Children's Advocacy Centers which together served more than 279,000 child victims of abuse in 2011 alone.

The majority of these Children's Advocacy Centers were founded after the passage of the Victims of Child Abuse Act in 1990; which was an important part of Congress' efforts to improve the investigation, prosecution, and treatment of child abuse. Monies appropriated by Congress each year since 1990 have improved the response within existing Centers, while aiding the development of new Children's Advocacy Centers in areas previously underserved. These dollars, much appreciated though modest, have been used to leverage state funding, private foundations, and local community donors.

¹ Sedlack, et al 2010.

This investment has yielded significant returns. The model of comprehensive care for child abuse victims has significant evidence of its efficacy. **Independent research has found that child abuse cases that are coordinated through a Children's Advocacy Center have:**

- a shortened length of time to disposition²;
- increased rates of prosecution³;
- more satisfaction on the part of child victims and their non-offending caregivers⁴;
- higher levels of service provision for medical evaluations;
- and increased referrals for mental health treatment than non-CAC cases⁵.

In short, the multidisciplinary team approach has shown that it is possible to reduce trauma to child victims of abuse while improving the legal outcome of cases and holding offenders accountable. And, at a time when financial resources are limited at every level of government, **Children's Advocacy Centers have been demonstrated to save on average over \$1,000 per child abuse case compared to non-CAC communities⁶.**

The Victims of Child Abuse Act

Sadly, this effective and efficient response is not available to every child sexual abuse victim in the US. Currently, abused children in 2,104 counties in the US have access to the services of a Children's Advocacy Center. Meaning that, abused children in more than 1,000 counties have no access to this comprehensive care. Indeed, those areas that are underserved are the most rural, most geographically isolated, and the most resource-poor parts of our country. But, these children are not simply Virginia's children, or Pennsylvania's children, or Kentucky's children: they are America's children. And, an accident of geography should not prevent them from humane and compassionate care that can alleviate their suffering. And, indeed the Victims of Child Abuse Act was conceived by Congress on a bipartisan basis, and funded continuously since 1990, to create and support a support to law enforcement and prosecutors in their efforts to combat child abuse, while ensuring a network of care to victims.

That network is now deeply threatened. For the first time since 1994, funding for the Victims of Child Abuse Act was not included in the President's FY13 budget. **If Congress fails to act, this inexplicable Administration decision to zero out funding for the Victims of Child Abuse Act will mean:**

- Fewer abused children will receive services in every law enforcement jurisdiction;

² Walsh, W.A., Lippert, T., Cross, T. P., Maurice, D. M. & Davison, K. S. (2008). How long to prosecute child sexual abuse for community using a children's advocacy center and two comparison communities? *Child Maltreatment*, 13(1), 3-13.

³ Smith, D. W., Witte, T. H., & Fricker-Elhai, A. E. (2006). Service outcomes in physical and sexual abuse cases: A comparison of child advocacy center-based and standard services. *Child Maltreatment*, 11(4), 354-60

⁴ Lalayants, M., & Epstein, I. (2005). Evaluating multidisciplinary child abuse and neglect teams: a research agenda. *Child Welfare*, 84(4), 433-58.

⁵ Smith et al 2006.

⁶ Formby, J., Shadoin, A. L., Shao, L, Magnuson, S. N., & Overman, L. B. (2006). Cost-benefit Analysis of community responses to child maltreatment: A comparison of communities with and without Child Advocacy Centers. (Research Report No. 06-3). Huntsville, AL: National Children's Advocacy Center

- Prosecutors, law enforcement officers, child protective services staff, medical professionals, and mental health providers will not receive the technical assistance and training they need to do their work effectively;
- Rural areas will be disproportionately disadvantaged as they either remain underserved, or see the doors of their Children's Advocacy Center close for lack of funding.

Beyond intervention services, Children's Advocacy Centers have a unique role in providing training to their multidisciplinary team members. In 2011, more than 44,000 law enforcement officers, child protective services workers, mental health providers, prosecutors, victim advocates, and mental health professionals received training through or coordinated by National Children's Alliance, their local Children's Advocacy Center, Regional Children's Advocacy Centers, and the National Children's Advocacy Center. Investigating, prosecuting, and treating child abuse is complex and specialized work. It requires highly trained professionals and ready access to continuing education for those professionals. Because 98% of child abuse investigations and prosecutions occur at the state/local level, training resources using federal funds should likewise be driven down to this level. Victims of Child Abuse Act funding currently supports this vital training and would be lost altogether if this funding is eliminated.

The past few budget years have forced increasingly difficult choices on Congress and the Administration. Reports from the states indicate that many law enforcement organizations already have hiring freezes, have had layoffs, or have disbanded specialized units responding to crimes against children.⁷ Children's Advocacy Centers serve as a vital resource to law enforcement and prosecutors, and should be maintained to ensure that our communities are safer and offenders are held accountable.

Services for Child Sexual Abuse Victims

While investigation of child abuse is important to the safety of victims and the accountability of offenders, it also serves as a gateway to services for victims. Child sexual abuse has well-documented life-long effects. Victims of child sexual abuse are more likely than their non-abused counterparts to become pregnant as teens, to drop out of high school, to abuse substances such as alcohol and drugs, to engage in self-destructive and risk-taking behavior, and to experience anxiety and depression. As adults, these individuals have increased morbidity and mortality, suffering from a host of physical and mental ailments at higher rates than their non-abused peers.⁸ Moreover, their own children are more likely to suffer sexual

⁷ International Association of Chiefs of Police. (2011). Police Chiefs: Budget Cuts, Increased Demands Leave Law Enforcement Struggling To Protect Public Safety [Press release]. Retrieved from <http://www.theiacp.org/About/WhatsNew/tabid/459/Default.aspx?id=1434&v=1>

⁸ Dube S.R., Anda R.F., Whitfield C.L., Brown D.W., Felitti V.J., Dong M., Giles W.H. (2005). Long-term consequences of childhood sexual abuse by gender of victim. *American Journal of Preventive Medicine*, 28 (5), pp. 430-438.

abuse during the course of their lifetimes than other children. This is truly the saddest possible cycle of abuse.⁹

This host of maladies is the result of the trauma caused by abuse. **Child abuse victims experience rates of trauma symptoms (hyperarousal, fear, sleep disturbances, anxiety, depression) at rates verging on those experienced by war veterans.** Fortunately, much has been learned over the past 15 years about successfully treating trauma in children. Every child who has been the victim of abuse deserves to be assessed to see if they would benefit from mental health treatment, and if so, to have it provided to them promptly.

Abused children served within Children's Advocacy Centers have access to such trauma-focused, evidence-supported mental health treatment. For the 279,000 children served within Children's Advocacy Centers last year there is no doubt that the care they received was improved and suffering they experienced was reduced for having had access to such treatment. However, the future of access to this needed treatment is threatened if funding through the Victims of Child Abuse Act is threatened.

In Summary

Child sexual abuse is a far too common experience for America's children. And, child sexual abuse is preventable. More than 2 decades of research reflects the effectiveness of child sexual abuse prevention and body safety information for children. Last year alone, Children's Advocacy Centers, provided such information to more than **500,000** individuals.

And, one of the most effective prevention and response systems is available through Children's Advocacy Centers. There are more than 750 such centers throughout the US that have been proven to be cost-efficient in coordinating the investigation, prosecution, and protection of children while ensuring that child victims of abuse receive effective treatment. However, there are still more than 1,000 counties in the US that lack access to this response. Moreover, while investigation and prosecution of child abuse cases is important in holding offenders accountable and enhancing community safety, this alone is not sufficient to help victims heal. Victims require trauma-focused, evidence-supported mental health treatment in order to heal. It is our collective social responsibility to protect children from abuse and hold offenders accountable.

We urge your strong support for funding the Victims of Child Abuse Act at \$20 million for FY13 to provide valuable assistance to law enforcement, keep communities safer, and strengthen justice and healing for victims. Thank you.

⁹ Penelope K. Trickett, Jennie G. Noll and Frank W. Putnam (2011). The impact of sexual abuse on female development: Lessons from a multigenerational, longitudinal research study. *Development and Psychopathology*, 23, pp 453-476 doi:10.1017/S0954579411000174

NATIONAL CONGRESS OF AMERICAN INDIANS

House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related AgenciesJefferson Keel, President, National Congress of American Indians
Testimony for the Record
March 22, 2012

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Introduction

On behalf of the National Congress of American Indians (NCAI), thank you for the opportunity to testify on tribal programs in the FY 2013 budget under the Commerce, Justice, Science and Related Agencies Appropriations bill. This testimony will address programs in the Department of Justice that support public safety and justice in Indian Country. Full funding of the federal government's trust, treaty and statutory obligations to tribes remains a bipartisan goal for Indian Country.

Although they have taken various forms, the public safety problems that plague tribal communities are not new. They are the result of decades of gross underfunding for tribal criminal justice systems, a painfully complex jurisdictional scheme, and a centuries-old failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands. In recent years, tribal leaders from across the nation have highlighted the shortcomings in the current justice system in numerous formal consultations, informal dialogues, conference calls, meetings, and Congressional hearings surrounding issues of public safety and justice in Indian Country. At every turn, they have emphasized that the current lack of resources for law enforcement on tribal lands poses a direct threat to Native citizens and the future of Indian Country. Even the 2010 passage of the Tribal Law & Order Act (TLOA) has not prompted increased investment in public safety on reservations. In the FY 2012 Consolidated and Further Continuing Appropriations Act, making appropriations for Agriculture, Commerce, Justice, Science (CJS) and Transportation-Housing and Urban Development, the proposed 7 percent tribal set-aside was removed from discretionary Office of Justice Programs (OJP) and funding was reduced for tribal justice programs across the board. This is unfortunate.

Congress claims that improving the economy is its number one priority right now. It claims that decreased unemployment levels and increased economic development are truly the answer to our nation's problems. As such, we urge Congress to recognize that public safety in tribal communities is economic development.

Law enforcement infrastructure and basic police protection on tribal lands are not optional; they are not trivial; and they are not up for debate. They are a fundamental function of government, and if they are not provided at the highest quality, no one will be willing to invest in tribal economies.

Tribes have some of the most valuable resources in the nation— natural and human—and tribal lands are prime locations for new business ventures and economic development. Yet, issues of perceived safety on the reservation continue to hinder successful growth of tribal economies. Increased and targeted funding in the following program areas will not only have a huge impact on safety in tribal communities, it will help attract new business to tribal lands and will ensure that tribal law enforcement officers, emergency responders, and justice personnel are able to find work in the communities that most need their services. In the current climate, the economic implications of failing to keep tribal communities safe are too great to ignore. Now is the time for the federal government to finally live up to its distinct legal, treaty, and trust obligations to provide adequate funding for law enforcement infrastructure in tribal communities.

Department of Justice

The President's FY 2013 Budget requests approximately \$345 million for public safety initiatives in Indian Country, with a total of \$156.8 million set aside for tribal grant programs within the Department of Justice (DOJ). While this is a significant overall decrease compared to the President's FY 2012 DOJ request, the tribal grant program funding numbers are still more than the approximate \$123.9 million FY 2012 enacted level, demonstrating the Administration's continued commitment to improving the criminal justice system on tribal lands.

Office of Justice Programs

Similar to last year's request, the Department again proposes bill language for a 7 percent tribal set-aside from all discretionary Office of Justice Programs (OJP) programs to address Indian Country public safety and tribal criminal justice needs. Under the FY 2013 request, the 7 percent set-aside totals \$81,375,000. Although the details of how these funds will be administered are yet to be determined, the goal is to provide a more flexible grant structure for tribes. The Department proposes to eliminate bill language contained in prior years' Appropriations Acts that outlined specific funding amounts for traditional tribal justice programs – such as tribal prison construction, tribal courts initiative, tribal alcohol and substance abuse reduction assistance, and tribal youth. **NCAI supports the creation of a 7 percent tribal set-aside of OJP programs, but at the same time urges that those funds are allocated in an equitable manner and that each formerly separate program area receives funding at or above FY2010 funding levels, including tribal courts and jails construction, legal assistance, juvenile delinquency prevention, and substance abuse prevention.**

The 7 percent tribal set-aside of OJP programs is particularly important to tribes, because it would provide a more flexible funding structure to tribes and would also complement the Department of Justice's Coordinated Tribal Assistance Solicitation (CTAS). CTAS attempts to streamline the application process for tribes, enabling them to submit a single application and select multiple purpose areas, as opposed to previous years in which they were required to submit multiple grant applications. However, this streamlined application model will not achieve its intended success unless and until it is accompanied by a streamlined funding mechanism.

To ensure that those funds are allocated in an equitable manner and that no program area is overlooked, each formerly separate program area should receive funding at or above the FY 2011 funding level. For example, it is critical that the Bureau of Justice Assistance's Tribal Civil and Criminal Legal Assistance Grants, Training and Technical Assistance grant program receive at

least the same amount as it did in FY 2011, under the flexible 7 percent structure. Tribes rely heavily on this program to ensure that their tribal justice systems function properly.

Community Oriented Policing Services

Since the creation of the COPS Office under the Violent Crime Control and Law Enforcement Act of 1994, the COPS Office has awarded over 2,000 grants totaling more than \$400 million to tribal communities to hire more than 1,700 new or redeployed law enforcement officers. It has also helped tribes to obtain necessary law enforcement training, equipment, vehicles, and technology.¹ Through its Tribal Resources Grant Program and Tribal Methamphetamine Program and historical programs and funding initiatives such as the Tribal Hiring Renewal Grant Program (THRGP), Tribal Mental Health and Community Safety Initiative, and the Tribal Court Pilot Program, the COPS Office has taken a proactive approach toward addressing the needs of tribal nations and has become one of the primary resources available to tribal law enforcement agencies attempting to develop and maintain a fundamental policing infrastructure and upgrade outdated equipment. Yet, there is still a tremendous unmet need within tribal justice systems for more COPS dollars.

The COPS Office has acknowledged that due to limited resources, it has not been able to adequately fund tribal justice systems, particularly in the area of hiring/retaining tribal law enforcement officers. In a report released in December 2010, the COPS Office described its inadvertent practice of intermittent funding as “problematic,” especially “when referring to hiring of officers” (p. 18).² Hiring more tribal police officers should be a top priority for reasons of public safety and the resulting economic opportunity it promotes. **Indian Country urges Congress to significantly increase funding for tribal law enforcement programs under the COPS program.**

Unfortunately, the FY 2013 budget request for tribes under the **Community Oriented Policing Services** (COPS) program to fund tribal law enforcement expenses is funded at \$20 million, the same as the FY 2012 enacted amount but much lower than it was just two years ago. Moreover, the \$42 million that the President requested for tribes under the COPS Hiring Program in FY 2012 has been reduced to just \$15 million for FY 2013. These funds are critical for the hiring and retention of tribal law enforcement officers.

Violence Against Native Women

Congress must not ignore the devastating impact that violence against women has on tribal communities. It is estimated that one in three Indian women will be raped and that six in ten will be physically assaulted in their lifetimes. This violence threatens the lives of Native women and the future of American Indian tribes and Alaska Native villages. Ending this historic pattern of violence requires that the federal government fulfill its trust responsibility to assist tribal governments in safeguarding the lives of their citizens. No area of need is more pressing or compelling than the plight of American Indian and Alaska Native women and children fleeing physical and sexual violence.

¹ US Department of Justice. (2010). *COPS Office report to Congress as required by Tribal Law and Order Act of 2010*. Washington, DC: Author.

² *Ibid.*

When Congress unanimously reauthorized the Violence Against Women Act in 2005, the Act included a new title specifically focused on enhancing the safety of Native women. This was a major step forward; however, now it is necessary for the current Congress and Administration to take the next step toward ending domestic violence and sexual violence by making sure that the tribal provisions of VAWA are adequately funded in FY 2013.

The Office of Violence Against Women is in the process of establishing a national clearinghouse on the sexual assault of Native women, which will provide a place where tribes can request free on-site training and technical assistance on a host of sexual assault-related topics, including development of tribal sexual assault and domestic violence codes, sexual assault forensic evidence collection training, and more. If fully funded, this clearinghouse has the potential to be a tremendous resource for tribes, law enforcement officials, medical professionals, and victim advocates.

Approximately \$40.5 million is requested for tribal initiatives within the **Office of Violence Against Women (OVW)** and aimed at addressing the high victimization rates of American Indian and Alaska Native women for the crimes of domestic violence, sexual assault, dating violence, and stalking on tribal lands. Of these funds, \$35,320,000 (a \$50,000 increase over FY 2012 enacted levels) is requested for disbursement through the VAWA Tribal Government Grants Program, while \$3,605,000 would be funneled to tribal coalitions through the VAWA Tribal Coalitions Grants Program. Also within these OVW funds, the President has requested that \$500,000 be available for an Indian Country Sexual Assault Clearinghouse that will offer a one-stop shop for tribes to request free on-site training and technical assistance. The FY 2013 budget request also sustains funding for Analysis and Research on Violence Against Indian Women at \$1 million.

Conclusion

NCAI commends the Justice Department's continued commitment to tribal self-determination and the improved administration of justice on Indian lands. Tribal leaders urge Congress to uphold its solemn promises to tribes, even as policymakers seek to reduce the deficit through spending reductions and revenue generation. The obligations to tribal citizens funded in the federal budget are the result of treaties negotiated and agreements made between tribes and the United States in exchange for land and resources, known as the trust responsibility. The fulfillment of this trust responsibility is a solemn historic and legal duty.



**Official Written Testimony for programs under the National Oceanic and Atmospheric
Administration (NOAA) for Fiscal Year 2013**

**Submitted To
Subcommittee on Commerce, Justice, Science and Related Agencies
House Committee on Appropriations
United States House of Representatives, Washington, DC**

**Submitted By
National Estuarine Research Reserve Association
Rebecca K. Roth, Executive Director
March 19, 2012**

The National Estuarine Research Reserve Association (NERRA) is a not-for-profit scientific and educational organization dedicated to the protection, understanding, and science-based management of our nation's estuaries and coasts. Our members are the 28 reserves that make up the National Estuarine Research Reserve System (NERRS). Established in 1987, NERRA facilitates its members' mission to protect our nation's estuaries and to promote conservation-based research, education, and stewardship through the reserves. For Fiscal Year 2013, NERRA strongly recommends the following reserve system programs and funding levels within the National Oceanic and Atmospheric Administration (NOAA):

NERRS Operations	\$22.3 million
NERRS Procurement, Acquisition, and Construction (PAC)	\$1.69 million

Additionally, NERRA also requests appropriation language directing NOAA to ensure that every reserve will get no less than the FY12 allocation. This will enable all Reserves to meet obligations for core operations associated with research, education, stewardship, and coastal training responsibilities.

In 28 beautiful coastal locations around our country, 22 states and Puerto Rico have protected in perpetuity over 1.3 million acres of land for education, long-term research, science-based stewardship, recreation and sustainability of the coastal economy. The states have been entrusted to operate and manage NOAA's program as created by Congress in the Coastal Zone Management Act (CZMA) nearly 40 years ago. What sets this program apart from other place-based federal programs, like the National Marine Sanctuaries or National Wildlife Refuges for example, is that the reserves manage a federal partnership program, implemented locally by states or universities.

The reserves have a tremendous positive impact on our economy including work to maintain clean water, keep the seafood and fishing industry viable, and provide communities with practical help and science-based information to address coastal hazards and maintain the area's tourism. Estuaries, where rivers meet the sea, provide nursery ground for 2/3 of commercial fish

and shellfish: in NERRS states, the shellfish (wholesale market value) and seafood industry (total sales generated by the seafood industry) contributed over \$2.7 billion to the economy in 2010 (Source: National Ocean Economic Program and NOAA Fisheries, Office of Science and Technology). Protection of these important estuaries within the NERRS can have a significant impact on specific species. For example, in Florida, Apalachicola Reserve is one of three reserves in the state: approximately 90% of Florida's oyster harvest and 10% of US total harvest comes from Apalachicola Bay (Source: Wilber, 92).

The work at each reserve goes beyond its property boundaries and creates a number of environmental and economic benefits for the communities and regions where they exist. For example, in 2010, NERRS coastal counties provided 4.4% of total wages earned in the US and 4.2% of the nation's jobs: contributing over \$26 billion in economic output (measured in gross state product) and supporting more than 468,000 jobs in ocean-dependent industries (Source: Bureau of Labor Statistics; NOAA).

About the National Estuarine Research Reserve System

Since 1974, beginning with the designation of the South Slough National Estuarine Research Reserve in Oregon, the coastal states and the federal government have collaborated to create a unique network of estuarine areas protected for long-term research and education. The NERRS added its 28th reserve on Lake Superior, Wisconsin in October 2010.

Pursuant to the CZMA, each reserve is chosen because it is a representative estuarine ecosystem able to contribute to the biogeographical and typological balance of the NERRS and because the area within the reserve is protected in perpetuity and is available for suitable public purposes such as education and interpretive use. The reserves are a network of protected areas established for long-term research, education, training, and stewardship.

The NERRS's priorities are developed through a collaborative approach between the states and NOAA to address both national and local concerns. The reserves have a mandate pursuant to Section 315 of the CZMA to support the coastal states through research and education as the states address today's most pressing coastal issues such as impacts from changes in sea and lake levels and increased nutrient loading. The reserves conduct research, monitoring, restoration, education, and training designed to improve our understanding and management of coasts and estuaries. The reserves are public places that have significant local, regional, and national benefits because the lands are publicly owned and function as living laboratories and classrooms that are used by scientists, decision makers, educators, and people of all ages. They are located in pristine coastal areas that serve as "sentinel sites," places where early indicators of environmental change are scientifically measured to provide up-to-date information to local officials and the public to support environmental decision-making, and inform assessment of trends at the regional and national levels.

National Estuarine Research Reserve System (NERRS) Operations

NERRA requests that program operations be funded at a level of \$22.3 million, an amount level with Congressional Appropriations Act FY12 level. This funding will be shared by the 28 programs to enable the NERRS to manage and maintain healthy estuaries. Healthy estuaries support fishing, seafood, ecotourism, recreation, clean water, and communities. Beyond the economic impact to our National, State, and local economies, reserves have national

infrastructure that support bringing science to the management of our coasts. This was most recently evidenced in the Deep Water Horizon Oil Spill of 2010, a coastal area that is home to five reserves. We know that the billion dollar tourism and seafood industries depend upon on clean water, and during the Deep Water Horizon Oil Spill crisis the communities and industries along the Gulf Coast relied on disaster support efforts including data supplied by some of the five Gulf Coast National Estuarine Research Reserves, some of which continues today.

Each reserve receives operation funds from NOAA that are matched by the states and that are used to leverage significantly more private and local investments that results in each reserve having on average more than five program partners assisting to implement this national program. In addition, the program significantly benefits from volunteers that are engaged in habitat restoration, education and science which offset operation costs at Reserves by donating thousands of hours. Between FY2006 and FY2010, volunteers have contributed more than 460,400 hours to the NERRS. In FY2010 volunteers contributed more than 100,000 hours to the NERRS (Source: NOAA).

NERRS have made countless economic contributions to their local communities, states, and nation. In the category of eco-tourism, more than 2 million people annually visit the NERRS: an estimated more than \$20M annually in direct benefit from these visitor use opportunities (estimated using federal, state, and local park entry fees). Visitors to our reserves walk the trails, paddle the waterways, bird watch, snowshoe, and participate in activities and events at each of our 28 reserves.

In 2011, NERRS contributed more than \$10 million to science and research. One example of this is NERRS water and weather monitoring programs are used at the local, state, and national levels to support assessment of water quality and guide and track remediation strategies, aid in weather and marine forecasts, support emergency response, and aid the water dependent and insurance industries. NERRS land conservation ensures that 1.3 million acres of coastal property worth more than \$6.5 billion are protected. (Estimated based on the average cost of federal investment per acre of land added to reserves over the last ten years.)

In addition, NERRS contributes more than \$4.9 million in education relief offsets, educating over 83,000 children annually through school based programs grades K-12. This is a major benefit in some communities where local school districts have been forced to cut programs in these economic times. Likewise, NERRS offsets more than \$13.4 million in training for more than 66,000 people. This is a direct benefit of the Coastal Training Program that provides knowledge, tools and resources to assist communities in protecting our coasts and aiding in sustainable development.

NERRS Procurement, Acquisition, and Construction (PAC)

NERRA requests \$1.69 million for land conservation and facilities to maintain, upgrade, and construct reserve facilities and acquire priority lands. This competitive funding program is matched by state funds and has resulted in not only the preservation of critical coastal lands as described above, but also in the increase of construction jobs. For example NERRS creates more than 60 jobs for each \$1 million of federal construction (PAC) money spent. In addition, NERRS leveraged investments of more than \$114 million to purchase 30,000+ acres of coastal property over the last 10 years. A recent assessment of construction and acquisition priorities at the

reserves shows that the NERRS have needs for more than \$60 million for Fiscal Years 2011 through 2015.

President's FY13 Budget

The President's FY13 budget, if enacted, would reduce the NERRS program funding by 15% from FY12 Omnibus Bill levels of \$22.259 million to \$18.979 million and would reduce Procurement, Acquisition, and Construction (PAC) funding by 100% from FY12 Omnibus Bill levels of \$1.7 million to zero. According to the NOAA "blue book" language, "At this funding level, NOAA will eliminate the NERRS graduate fellowship program and decrease funding to each of the 28 reserves across the U.S." As stated previously, NERRA requests appropriation language directing NOAA to ensure that every reserve will get no less than the FY12 allocation. This will enable all Reserves to meet obligations for core operations associated with research, education, stewardship, and coastal training responsibilities.

NERRA's assessment of the potential funding cut impacts assumes that program operations in the states, at the 28 sites, would absorb the majority of the program cuts and thereby result in the greatest impacts being felt locally, even though it is believed that all aspects of the program—locally and system-wide—would receive reductions. The states suffer the greatest from the funding cuts. Program cuts proposed by the President would put at risk the over \$26 billion of economic output contributed by NERRS coastal counties in 2010, as well as the more than more than 468,000 jobs in ocean-dependent industries supported in these communities. Insufficient funding would impact state and local seafood and fishing industries that are a \$2.7 billion dollar economic contributor for states that have a reserve because reserve sites would suffer adverse economic impacts from reduced water quality and water quality data. In addition, NERRA believes that the NERRS program for Graduate Research Fellowships, providing advance degree educational opportunities for up to 56 university marine science-related students per year, will be eliminated.

Support Requested for Coast and Ocean and Management

NERRS are connected to the coast and ocean management work done by its state and federal partners. Specifically, in the states, reserves primary partners are the state coastal management programs in the majority of the states. NERRA requests Subcommittee support for Coastal Zone Management (CZM) grants at \$67 million. In addition, many reserves rely on congressionally appropriated Bay Watershed Estuary Training (B-Wet) funds to augment educational funds. Therefore, NERRA request your support for this program in the appropriation of \$9.7 million for B-Wet grants. Finally, the reserves depend on NOAA's technical assistance and partnership capacity. NERRA requests support of \$37.1 million for the Coastal Services Center and \$8.7 million for CZM Stewardship.

Conclusion

NERRA greatly appreciates the support the Subcommittee has provided in the past. This support has been critical to sustain and increase the economic viability of the coast and estuary-based industries. We urge you to give every consideration to these requests as you move forward in the FY 2013 appropriations process. If we can provide any additional information, please contact me at (202) 236-4819 or roth@nerra.org, or NERRA President David Ruple, manager of the Grand Bay National Estuarine Research Reserve, at (228) 475-7047 or david.ruple@dmr.ms.gov.

**Sue Else, President of the National Network to End Domestic Violence
 Testimony for the Appropriations Commerce, Justice, Science Subcommittee
 United States House of Representatives
 Importance of funding the Violence Against Women Act and the Victims of Crime Act cap
 March 22, 2012**

Introduction

I am testifying to request a targeted investment of **\$449.5 million** in Violence Against Women Act (VAWA) programs administered by the Department of Justice, Office of Violence Against Women in the FY 2013 Budget (specific requests detailed below). In addition, I am testifying to request a **\$1 billion** "cap" from the Victims of Crime Act (VOCA), administered by the Office of Justice Programs, Office for Victims of Crime in the FY 2013 Budget.

Commerce, Justice, Science Appropriations Subcommittee Chairman Wolf, Ranking Member Fattah, Chairman Rogers, Ranking Member Dicks and distinguished members of the Appropriations Committee, thank you for this opportunity to submit testimony to the Committee on the importance of investing in VAWA and VOCA. I sincerely thank the Committee for its ongoing support and investment in these lifesaving programs. These investments help to bridge the gap created by an increased demand and a lack of available resources.

I am the President of the National Network to End Domestic Violence (NNEDV), the nation's leading voice on domestic violence. We represent the 56 state and territorial domestic violence coalitions, including those in Virginia, Pennsylvania, Kentucky and Washington state, their 2,000 member domestic violence programs, and the millions of victims they serve. Our direct connection with victims and service providers gives us a unique understanding of their needs and the vital importance of continued federal investments.

Incidence, Prevalence, Severity and Consequences of Domestic and Sexual Violence

The crimes of domestic and sexual violence are pervasive, insidious and life-threatening. Every day in the United States, an average of three women are killed by a current or former intimate partner.¹ In 2005 alone, the most recent year with this data available, 1,181 women were murdered by an intimate partner in the United States.² In 2010, there were 169 domestic violence-related deaths in Pennsylvania, 33 of which occurred in Philadelphia.³

Recently, the Centers for Disease Control and Prevention (CDC) released the first-ever National Intimate Partner and Sexual Violence Survey (NISVS) which found that domestic violence, sexual violence, and stalking are widespread. In fact, domestic violence alone affects more than 12 million people each year; nearly one in five women have been raped in their lifetime, and one in four women have been a victim of severe physical violence by an intimate partner. Over 80% of women who were victimized experienced significant short and long-term impacts related to the violence such as Post-Traumatic Stress Disorder (PTSD), injury (42%) and missed time at work or school (28%). Finally, NISVS shows that most rape and partner violence is experienced before the age of 24, highlighting the importance of preventing this violence before it occurs.⁴

In addition to the terrible cost domestic violence has on the lives of individual victims and their families, these crimes cost taxpayers and communities. In fact, the cost of intimate partner violence exceeds \$5.8 billion each year, \$4.1 billion of which is for direct medical and mental health care services.⁵ Domestic violence costs U.S. employers an estimated \$3 to \$13 billion annually.⁶ Between one-quarter and one-half of domestic violence victims report losing a job, at least in part, due to domestic violence.

Despite this grim reality, we know that when a coordinated response is developed, and immediate, essential services are available, victims can escape from life-threatening violence and begin to rebuild their shattered lives. Funding these programs is fiscally sound, as they save lives, prevent future violence, keep families and communities safe and save our nation money.

Investing in the Violence Against Women Act (VAWA)

Congress first authorized the Violence Against Women Act in 1994 in response to the terrible crimes of domestic violence, sexual assault, dating violence and stalking. The programs created by VAWA and administered by the Departments of Justice and Health and Human Services, have changed federal, tribal, state and local responses to domestic violence, dating violence, sexual assault and stalking. VAWA creates and supports comprehensive, cost-effective responses to these pervasive and insidious crimes and has unquestionably improved the national response to domestic violence, dating violence, sexual assault and stalking. Due to the overwhelming success of VAWA-funded programs, more and more victims are coming forward for help each year. More victims report domestic violence to the police: reporting rates by women have increased by up to 51% and by 37% for men.⁷ The rate of non-fatal intimate partner violence against women has decreased by 63%.⁸ Remarkably, the number of individuals killed by an intimate partner has decreased by 24% for women and 48% for men.⁹ In addition to saving and rebuilding lives, VAWA saved taxpayers \$12.6 billion in net averted social costs in its first six year's alone.¹⁰

A recent study demonstrates both the lifesaving and cost-effective nature of VAWA-funded programs. The study found that during the six months after a survivor obtained a protective order, the number of threats of physical harm or murder decreased nearly 50%, moderate physical abuse decreased 61% and severe physical abuse decreased nearly 50%. Moreover, protective orders saved Kentucky at least \$85 million in just one year.¹¹ Because many VAWA-funded programs can help victims obtain protection orders, this study supports the efficacy of continued investment in these funding streams.

While VAWA programs have made systemic changes to meet the needs of victims and saved countless lives, the demand for services continues to rise. Additionally, many parts of the country still lack basic services and traditionally underserved populations face additional barriers to accessing services. The National Domestic Violence Census found that in just one day in 2011, over 67,000 adults and children found safety in our nation's domestic violence shelters and programs. On the same day, however, over 10,500 requests for services went unmet because programs did not have the resources to meet the needs of victims. In Philadelphia, the problem is even more acute – in 2010, almost 6,000 requests for shelter could not be met because there were simply no beds available. In Virginia, over 2,500 families were not able to secure safety in a shelter because shelters were full.

In these tough economic times, state and private funding sources are dwindling, while at the same time there are more incidents of violence and more victims seeking help. As programs strive to meet the needs of all victims requesting services, the federal funding is essential for ensuring that programs can keep their doors open and answer crisis calls. In fact, the National Domestic Violence Census found that in 2010, 1,441 (82%) domestic violence programs reported a rise in demand for services, while at the same time, 1,351 (77%) programs reported a decrease in funding.¹² While we recognize the difficult decisions you face during this extremely challenging budget year, VAWA and VOCA funding, is critically needed to prevent and end domestic and sexual violence in our country. To address unmet needs and build upon its successes, VAWA should maintain at least FY '12 funding levels, with key targeted investments for FY '13.

Specific Investments in VAWA Programs

Services, Training, Officers Prosecution (STOP) – \$205 Million Request. STOP grants are formula grants given to each state to improve the criminal justice response to domestic violence, dating violence, sexual assault, and stalking, and are used to develop coordinated community responses. Many states and jurisdictions have implemented STOP-funded strategies that have led to a direct reduction in domestic violence homicides.¹³ In Kentucky, project staff work with government offices and non-profits daily, collaborating to assist individual victims as well as address systemic problems.¹⁴ According to Butler County, Pennsylvania, "STOP funding supports continued operation of the Policy Board. The board has allowed us to engage all segments of the community – non-profits, churches, drug and alcohol/mental

health, law enforcement – with the court system in ways that we would never have interacted before. The problem-solving and identification of need that takes place through the Policy Board has been essential to improving victim safety and ensuring perpetrator accountability.” STOP funding supports programs which help victims obtain protection orders, which have been found to be effective in reducing violence and enhancing victim safety. The recent Kentucky protection order study found that half of victims who obtained a protection order experienced no violations of the protection order during the 6 months after it was obtained. For those victims who did experience violations, every type of violence and abuse was significantly reduced during the 6 month follow-up period as compared to the 6 months before the protection order was issued.¹⁵ Investment in the STOP program is needed to ensure that communities across the country continue to strengthen their efforts to hold perpetrators accountable and support victims.

Sexual Assault Victim Services Program (SASP) – \$35 Million Request. This formula grant addresses the extreme needs of sexual assault victims by allowing states, tribes and territories to provide critically needed direct services to victims and training and technical assistance to various organizations including law enforcement, courts and social services. In 2009, 56% of rape crisis centers were forced to reduce staff due to a lack of funds. A 2010 survey revealed that 25% of rape crisis centers have a waiting list for crisis services.¹⁶ Increased investment in SASP is essential to meet the needs of sexual assault victims.

Rural Grant Program – \$41 Million Request. The Rural grant program supports services for victims of domestic and sexual violence living in rural and isolated areas. These victims face unique barriers to leaving an abusive situation, including a small number of programs serving a large geographic area, harsh weather conditions that can make travel difficult, under-resourced law enforcement, and a lack of essential services including child care, legal services, and public transportation. Restoring funding of this critically-needed program to the FY ‘11 level of \$41 million is needed to sustain these services.

Level Funding Requests for Key VAWA Programs

Each authorized VAWA program plays a critical role in sustaining a holistic response to domestic and sexual violence. The individual programs cannot meet the increasing demand for services with continual funding cuts.

Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (GTEAP) – \$50 Million Request. GTEAP helps communities develop and sustain a seamless and comprehensive criminal justice response to domestic violence, enhancing victims' safety and holding perpetrators accountable. According to the GTEAP project in York County, Virginia, “As a result of receiving funding...our jurisdiction has developed a closer working relationship with pretrial services and community corrections, among several other agencies within the criminal justice system. This has allowed us to uncover systemic and specific case issues in a more timely fashion and address them much more quickly and comprehensively.”¹⁷ In Maryland, GTEAP supports the innovative Lethality Assessment Program, which includes a screening tool and protocol for first responders and others to assess lethality and link victims to services. Maryland experienced a 41% decrease in domestic violence homicides over the span of three years after implementing this program. Jurisdictions in 11 other states have also implemented this successful tool, and Pennsylvania will begin implementation in April 2012. Ongoing funding for GTEAP will allow communities across the country to continue this lifesaving work.

Civil Legal Assistance for Victims (LAV) – \$41 Million Request. Research indicates that the practical nature of legal services gives victims long-term alternatives to their abusive relationships.¹⁸ However, the retainers or hourly fees for private legal representation are beyond the means of most victims of domestic violence, dating violence, sexual assault and stalking. In fact, almost 70% of all victims are without legal representation.¹⁹ The Civil Legal Assistance for Victims Program is the only federally funded program designed to meet the legal needs of victims. Continued funding will help to ensure that victims have access to these needed services.

Transitional Housing Grants – \$25 Million Request. These grants give victims a safe place to begin to rebuild their shattered lives. In just one day in 2011, 5,275 adults and 8,501 children were housed in domestic violence transitional housing programs. On the same day, however, 6,714 requests for emergency shelter or transitional housing were denied due to a lack of capacity.²⁰ The extreme dearth of affordable housing produces a situation where many victims of domestic violence must return to their abusers because they cannot find long-term housing,²¹ while others are forced into homelessness.²² Sustained funding for the Transitional Housing program will allow more states and localities to ensure that victims do not have to make these unfathomable choices.

Remaining VAWA programs. To end the intergenerational cycle of violence and address the needs of children and youth, we request \$12 million for the consolidated VAWA youth and prevention programs. Additionally, we request at least FY '12 funding levels, a combined total of \$52.5 million, for the remaining VAWA CJS programs.

Victims of Crime Act (VOCA) Fund Cap - \$1 Billion Request

The Victims of Crime Act (VOCA), passed in 1984, created the VOCA Fund as a protected source of funding for crime victim programs. The Fund does not depend on taxpayer dollars – it derives entirely from fines and penalties paid by federal offenders. To ensure a consistent distribution of the Fund to victim service providers each year, Congress set a cap on the Fund, saving the amount collected over the cap to ensure its stability. Currently, the VOCA Fund has an estimated balance of over \$5 billion.

The VOCA fund supports a formula grant to states for victim assistance programs, which provide victims with support and services in the aftermath of crime. Most domestic and sexual violence programs, which are at the heart of the response to victims, rely on continued VOCA funding to sustain their programs. With over 2,000 community-based domestic violence programs, VOCA provides emergency shelter to approximately 300,000 victims, as well as counseling, legal assistance, and preventative education to millions of women, men and children annually.²³ This funding is absolutely crucial to keeping victims and their children safe. In order to meet the growing demand for these lifesaving services, I urge the Committee to release \$1 billion through the VOCA cap.

Conclusion

An increasingly efficient, comprehensive and lifesaving response to victims, created and sustained by VAWA and VOCA funding, has made tremendous strides towards preventing and ending domestic and sexual violence in this country. However, as these challenging economic times take a devastating toll on the ability of shelters and rape crisis centers to meet the needs of victims seeking help, victims face traumatic and life-threatening situations with no support. We recognize the difficult decisions you face, but we urge you to invest in these life-saving, cost-effective programs that help break the cycle of violence, reduce related social ills and save our nation money now and in the future.

Endnotes

¹ Bureau of Justice Statistics (2008). *Homicide Trends in the U.S. from 1976-2005*. Dept. of Justice.

² *Ibid.*

³ Domestic Violence Fatalities in Pennsylvania – 2010. Pennsylvania Coalition Against Domestic Violence. Available at <http://www.pcadv.org/Resources/2010FatalityReportWeb.pdf>

⁴ Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

⁵ National Center for Injury Prevention and Control. *Costs of Intimate Partner Violence Against Women in the United States*. Atlanta (GA): Centers for Disease Control and Prevention; 2003.

⁶ Bureau of National Affairs Special Rep. No. 32, *Violence and Stress: The Work/Family Connection 2* (1990); Joan Zorza, *Women Battering: High Costs and the State of the Law*, Clearinghouse Rev., Vol. 28, No. 4, 383, 385; *Supra*, see endnote 10.

⁷ "Intimate Partner Violence in the U.S." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Jan 2008; Cassandra Archer et al., Institute for Law and Justice, *National Evaluation of the Grants to Encourage Arrest Policies Program 14* (Nov. 2002).

⁸ "Intimate Partner Violence in the U.S." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Jan 2008.

⁹ *Ibid.*

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- ¹⁰ Andersen Clark, K., et al. (2002). "A Cost-Benefit Analysis of the Violence Against Women Act of 1994." *Violence Against Women*, 8, 417.
- ¹¹ The Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violence Consequences, Responses and Cost. (2009). U.S. Department of Justice.
- ¹² Domestic Violence Counts 2010: A 24-Hour census of domestic violence shelters and services across the United States. The National Network to End Domestic Violence. (Jan. 2010).
- ¹³ 2010 Biennial Report to Congress on the Effectiveness of Grant Programs Under the Violence Against Women Act. U.S. Dept. of Justice, Office on Violence Against Women.
- ¹⁴ STOP (Services • Training • Officers • Prosecutors) Program 2010 Report, U.S. Dept. of Justice, Office on Violence Against Women.
- ¹⁵ *Supra*. See Note 11.
- ¹⁶ *National Alliance to End Sexual Violence (2010). Internet survey of 1300 rape crisis centers with 644 responses.*
- ¹⁷ *Supra*. See endnote 13.
- ¹⁸ See: Farmer, A., & Tiefenthaler, J. (2003). "Explaining the Recent Decline in Domestic Violence," *Oxford Journals*; MacFarlane et al., *Protection Orders and Intimate Partner Violence: An 18-Month Study of 150 Black, Hispanic and White Women*.
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- ²³ National Coalition Against Domestic Violence, *Detailed Shelter Surveys* (2001).

**Statement of Dr. Christopher S. Brown
Chairman, National Space Grant Alliance
Director, North Carolina Space Grant
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
March 22, 2012**

Mr. Chairman and distinguished Members of the Subcommittee, thank you for allowing me to provide testimony on behalf of the National Space Grant Alliance (NSGA) as you consider funding priorities relevant to the FY 2013 Commerce, Justice and Science Related Agencies Appropriations Bill. I am Chris Brown, North Carolina Space Grant Director and Chairman of the National Space Grant Alliance (NSGA). Today, I write to you in support of the National Aeronautics and Space Administration (NASA) National Space Grant College and Fellowship Program (Space Grant). **The NSGA requests the FY 2013 authorized level and 2010 appropriated amount of \$45.5 million and the following language be included in the FY 2013 CJS Appropriations Bill: “ For this program, the committee has provided \$45,500,000 to fund 42 states or jurisdictions at \$900,000 each and 10 states or jurisdictions at \$700,000 each. This amount includes an administration fee of approximately \$700,000 for NASA.”**

As you may know, Congress established the National Space Grant College and Fellowship Program under Title II of the NASA Authorization Act of 1988. Today, the program is a powerful national network which significantly contributes to America’s critical science technology, engineering and mathematics (STEM) workforce. Through the national network of 1006 colleges, universities, and affiliates, Space Grant supports and enhances STEM education, research and outreach programs through three major components: (i) Education and Workforce Development; (ii) Public Understanding and Participation in NASA-related Science and Technology Programs; and (iii) Research Enhancement Programs.

In an effort to bring national coherence, the Space Grant Directors formed the National Space Grant Alliance (NSGA), a non-profit national organization, comprised of 52 Space Grant consortia-located in every state of the country, the District of Columbia, and the Commonwealth of Puerto Rico. NSGA works to: (a) galvanize support and enthusiasm for aerospace research and education; (b) ensure Space Grant has an appropriate level of financial and programmatic support; and (c) align Space Grant’s education, research, and workforce development activities with NASA’s mission to “inspire the next generation of explorers – as only NASA can.”

Space Grant plays a unique role in using the excitement of space, aerospace, space science and STEM disciplines to attract, retain and support students. It helps provide an on-going pipeline for NASA, whose workforce is moving toward retirement age, for the aerospace industry which is so important to our nation's technology advancement and competitiveness, to earth sciences which affect everything from our food supply to the weather and to STEM areas which are recognized in multitudes of studies as essential to our nation's future. Space Grant is also unique in the national network it maintains and in its success with students over time. Scientists, researchers, mathematicians are not produced overnight but must follow a continuum of education and experiences and Space Grant has the record for following these students, supporting them and enhancing their experiences and networking opportunities. As the only nationwide, fully

integrated STEM NASA program, our consistent reach into the nation's K-12 schools, community colleges, universities, and NASA space facilities is ideal. We provide the necessary resources and staffing through a grassroots campaign to inspire your minds, train an evolving workforce and test cutting edge software and technology.

Current and Future STEM Workforce. We understand the Administration's concern and the importance of demonstrating program metrics and tracking program success. Since inception, Space Grant was designed to foster mission critical activities. Presently, Space Grant's national network sets the benchmark with longitude tracking show 91% of Space Grant student awardees are now active in STEM careers with NASA, 40% are pursuing careers in industry and academia and 42% are pursuing advanced STEM degrees. In 2010 alone, Space Grant actively engaged over 12,400 undergraduate and graduate student in initiatives designed to promote the next generation of exploration and innovators. Space Grant proactively assists high-potential young faculty in the advancement toward becoming NASA Principal Investigators and effective partners with NASA centers and contractors. Space Grant implements a variety of hands-on research, training and education programs including: college-level fellowships and scholarships; interdisciplinary hands-on mission programs and design projects; internships with aerospace and STEM industries and NASA Centers; faculty and curriculum development initiatives; university-based NASA-related research initiatives; and k-12 teacher and student programs.

Education. Space Grant also improves STEM education and encourages students to choose a course of study that will lead them to careers in aeronautics, space and related STEM fields. One of Space Grant's primary activities is providing resources to enable students to engage in study and research projects that would not be available to them without Space Grant support. In 2009 alone, the Space Grant network created and/or revised 179 STEM course curriculums through Space Grant initiatives and helped 12,400 students participate in higher education Space Grant projects and activities. Space Grant also provided financial assistance to over 500 college and university students. In 2009 alone, 5,487 students received direct funding from Space Grant and 4,024 students received a "significant" experience or support: greater than that \$5,000 or more than 160 contact hours.

Student and Faculty Research. Space Grant's national network is specifically designed to engage the nation's brightest, most creative, and most innovative engineers, scientists and educators in program activities aimed at providing NASA and its supporting industries, research labs and national centers with a vital technical workforce. Thus far, faculty and students have published 744 publications based on Space Grant research activities and have been awarded or applied for 11 patents. The student-led flight projects initiative resulted in 220 projects with participation from 86% of consortia ranging from scientific rocket and balloon payloads to small satellite initiatives. These projects engaged: 2,200 college students, 300 faculty, 190 higher education institutions, 1,000 pre-college students, 120 pre-college educators, and 90 industry partners. In addition, roughly \$2 million of federal state-based Space Grant funds supported student-led flight projects, with an additional \$2 million from non-federal sources for a total investment of \$4 million.

Diversity. Space Grant is committed to engaging the entire spectrum of our nation's citizens in STEM education, workforce development and research. Of the 1,006 affiliate partners, 20% are

Minority Serving Institutions and 17% are Community/2-Year Colleges. Of all the student participants in higher education Space Grant projects and activities, 16% are underrepresented minorities and 38% were female.

Pre College and Public Programs. Space Grant also provides professional development for our nation's educators and promotes public understanding of and support for science, research and exploration. In 2010 alone, Space Grant programs trained 19,400 educators (K-12 and informal), provided instructional and enrichment activities for 185,700 elementary and secondary students, and engaged 146,700 citizens in public programming nationwide.

To give you a detailed example for the impact Space Grant makes at the state level, I will share the accomplishments of North Carolina Space Grant Consortium, which is under my direction.

The *North Carolina Space Grant (NCSG)* is committed to promoting excellence in education, workforce development, and research in STEM areas. NCSG is comprised of twelve affiliates which include eleven universities and the North Carolina Community College System. NCSG also partners with NASA, industry, state education agencies, museums and other organizations representing diverse STEM interests. The NCSG acts as an umbrella organization coordinating and developing: (1) NASA-related research and workforce development opportunities for higher education faculty and students, (2) Precollege (K-12) professional development and education, and (3) Informal education and public outreach throughout North Carolina. Established in 1991, NCSG works with NASA and its partners to build the state's aerospace research and educational infrastructure, and expand student skills in STEM to meet the nation's workforce needs. With proactive membership participation and a highly collaborative approach, NCSG has made a meaningful difference in education, workforce development, research and technology applications, as well as the public's scientific literacy in North Carolina.

In FY2011, NCSG awarded \$602,500 to faculty and students (graduate, undergraduate, and community college students in STEM and/or STEM teacher education programs) to be used for research and workforce development. NASA funds (\$372,500) were leveraged by state and industry (\$230,000) to expand opportunities for faculty and students. Of the 75 faculty awards, 24 faculty were awarded research seed funding through the NCSG New Investigators Program. This program is designed to strengthen North Carolina's aerospace-related research infrastructure by providing startup funding to early career university faculty who are conducting research that is directly aligned with NASA's Strategic Framework. In addition, 51 faculty were provided support to develop interdisciplinary courses and/or engage student groups in collaborative research activities. Such support yielded the development of 14 higher education courses (3 new courses and 11 revised courses). Of the 221 students awards, 62 students awarded Fellowships and Scholarships to students attending NCSG Affiliate institutions, and 8 student interns were supported by the LORD Corporation (\$80,000) to conduct hands-on aerospace research under the direct supervision of a professional scientist and/or engineer. The LORD Corporation is an international aerospace industry headquartered in Cary, North Carolina. NCSG has partnered with LORD to offer this internship program since 2008. Since inception, 21 students have been supported and of these students, 5 are now employed as full-time employees at LORD. In addition, 151 students participated in higher education activities (such as senior design, NASA competitions) under the supervision of a faculty mentor.

In FY2011, NCSG responded to North Carolina's need for qualified STEM teachers. The NCSG K-12 Professional Development and Education programs are designed to initiate and deliver professional development and training for pre-service and/or in-service educators. These activities have the primary goal of better equipping North Carolina educators to inspire the future workforce to pursue further education and eventually careers in STEM fields. NCSG has provided funds to support 12 professional development workshops throughout North Carolina and has served 168 pre-service/in-service K-12 educators. NCSG is a partner on a NASA K-12 Cooperative Agreement Notice awarded to the North Carolina Science, Mathematics and Technology Center to build a sustainable coalition of high school teachers, research scientists and industry leaders in North Carolina. Through the two year project, 20 expert high school STEM teachers will learn about contemporary aerospace science and will develop innovative, locally relevant curriculum using NASA educational resources to motivate students to pursue STEM study and careers in aerospace. Each Flight Fellowship includes a mentored summer research externship and professional development institutes. Externships will be mentored by researchers/faculty at the following institutions: Wilkes Community College (Applied Engineering Technology); RDU International Airport Authority; Spirit Aerosystems, Inc.; Center for Aviation Safety at NC A&T State University; Guilford Technical Community College (Aviation Management/Career Pilot technology); NASA CAN-DOO Collaboration at Appalachian State University; Lenoir Community College (through NCSU's College of Engineering); GE Aviation; Duke University; NC State University; and Morehead Planetarium and Science Center.

During FY2011, NCSG achieved education through our Informal Education and Public Outreach programs designed to: (1) increase learning experiences for educators, students and teachers through museums, science centers and civic groups; and (2) increase awareness of the role of STEM in space-related research and space exploration to the general public. NCSG has provided funds to support 160 hands-on programs for over 4,000 students and 2,000 public audiences at venues across North Carolina. NCSG provided leveraged support for the Guilford County School System to participate in the Student Spaceflight Experiment Program (SSEP), a partnership between the National Center for Earth and Space Science Education and NanoRacks, LLC. Approximately 80 students from five area middle schools participated in developing scientific proposals to compete for an experiment slot in a research mini-lab that was reserved for their school district. The proposal from Mendenhall Middle School was selected to fly their experiment aboard Space Shuttle Endeavor (STS-134). The team of nine students met over several months after school with their research mentors (from UNC-Greensboro and NC A&T State University) and teachers to develop their experiment which tested the effects of weightlessness on the growth of brine shrimp.

The NCSG strongly supports NASA's National Space Grant program goal of participating in a national network of institutions with a shared interest in aerospace education and research. The fifty state-based Space Grant Consortia (plus Puerto Rico and the District of Columbia) and their 1000+ affiliates offer a large natural network that furthers the development of innovative programs in STEM areas. NCSG is very active within the Space Grant consortia and we are very proud of our accomplishments and have our eyes set on achieving greater student achievement and innovative programming in science, technology, engineering and mathematics. Our goal is to

maintain a pipeline of highly qualified scientists and engineers for our high technology industries that will keep us competitive in both science and research.

Without this support, National Space Grant College and Fellowship Program will be forced to: (1) reduce affiliates, (2) cut back on programs currently funded in states, (3) decrease its contribution to workforce development, (4) reduce student scholarships/fellowships support, and (5) lessen the ability to convince leaders of the impact and importance of Space Grant in the nation's research and education agenda.

We are concerned U.S. prominence in science and technology has been challenged on multiple fronts, and NASA continues to severely cut back its longest running education program with a proven performance record. We note that in the FY 2012 NASA appropriations, Congress included the following: *The conferees have constructed an education portfolio that strikes a balance between NASA's desire to restructure and streamline elements of the portfolio with the need to provide sufficient support to successful existing programs such as Space Grant...The conferees direct NASA to consider this balance when developing future education budget requests. The conferees also notes the existence of significant educational resources built into the mission directorate budgets and encourage NASA to take all necessary steps to ensure that these educational activities are well integrated with the programs funded under this heading.* We respectfully request that the NASA Space Grant program be preserved and funding be restored to the authorized level of \$45.5 million, with funds appropriated for the overall NASA FY 2013 budget.

Space Grant is a proven program with a 20-year history of cultivating interest and careers in science and technology. NASA looks to Space Grant for the next generation of scientists and without this program as a lead, the nation's future competitiveness in STEM areas will be at risk.

Space Grant can help the Administration reach NASA's education goals. We understand this is a difficult economic climate which is why we urge Congress to maintain the FY 2010 funding level for the National Space Grant Program. In North Carolina, as in every other state, each federal dollar is matched by a dollar of non-federal support.

In summary, through the National Space Grant Program NASA has achieved what most other science agencies have not been able to. Through Space Grant, they were able to create strong partnerships with university faculty, colleges of education, k-12 and business communities in the states; mobilize and immerse S&T faculty in education initiatives; and has utilized NASA resources to inspire and motivate the next generation of explorers.

Space Grant has delivered a remarkable number of high quality educational experiences for a relatively small NASA investment. Congress appropriated \$138,400,000 for NASA Education programs in FY 2012, yet the FY 2013 budget request is only approximately \$100 million. This is a severe reduction in a program that reaches across many interests, sectors and institutions. Space Grant is a sound investment in America's future and should be expanded not reduced.

Thank you for the opportunity to submit testimony for the record.

**Kevin Coyle
Vice President Education and Training
National Wildlife Federation**

Testimony on Environmental Education at NOAA, NSF and NASA

**For the Subcommittee on Commerce, Justice, Science & Related Agencies
Committee on Appropriations
U.S. House of Representatives**

March 19, 2012

On behalf of the National Wildlife Federation (NWF), our nation's largest conservation advocacy and education organization, and our more than four million members and supporters, I thank you for the opportunity to provide testimony which includes funding recommendations for the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA). While NWF supports numerous programs under the jurisdiction of this Subcommittee, including NOAA's Estuary Restoration Program, Coastal Zone Management Grants Regional and Coastal Zone Management and stewardship; the purpose of this testimony is to recommend FY 13 funding levels (totaling \$35.2 million) for specific environmental education and climate change education programs that we believe are vital to NWF's mission to inspire Americans to protect wildlife for our children's future.

This Subcommittee has taken a leadership role in funding environmental education and climate change education at the federal level. While we appreciate the Subcommittee's leadership, we believe that the overall federal investment in environmental education and climate change education programs nationwide – pennies per capita – is woefully inadequate. The National Wildlife Federation also supports climate change education and environmental education programs across the federal agencies at the U.S. Forest Service, Environmental Protection Agency, U.S. Department of Education and U.S. Department of the Interior.

Summary of Recommendations:

Agency	Program	FY 2012 Enacted	FY 2013 NWF Recommendation
NOAA	Bay Watershed Education and Training (B-WET)	\$7.2 million	7.2 million
NOAA	Environmental Education Initiatives, including Environmental Literacy Grants	\$8.0 million	\$8.0 million
NSF	Climate Change Education	\$10 million	\$10 million
NASA	Climate Change Education	\$10 million	\$10 million

The Need for Environmental Education

As our nation moves towards a clean energy economy and creates new –green jobs, we must ensure that our education infrastructure keeps pace. As is increasingly recognized by business leaders, environmental literacy provides critical knowledge that is essential for the success of a 21st Century workforce—equipping students with the skills to understand complex environmental issues, thus enabling them to both make better informed decisions as citizens and help find solutions for the challenges facing our nation. Studies have demonstrated that environmental literacy is fundamental to improving student achievement in STEM (science, technology engineering, and math) education, to creating a stronger economy through green jobs, and to promoting environmental stewardship. To be successful as a nation under a new clean energy economy, we must have an environmentally literate citizenry that has the knowledge to find new, innovative solutions to protect our planet.

National Oceanic and Atmospheric Administration (NOAA):

Environmental Literacy Grants

The National Wildlife Federation supports the FY 12 baseline for NOAA’s Environmental Literacy Grants and requests \$8 million in FY 13. NOAA’s Office of Education oversees several Environmental Education Initiatives, the largest initiative being the Environmental Literacy Grants (ELG) program which helps to establish new partnerships that deliver educational materials to thousands of teachers and students. The ELG program enables NOAA to partner with the top science centers, aquaria, and educators in the country to educate the public about vital issues around our changing planet. It also allows NOAA to leverage the vast array of climate science being undertaken to increase public understanding and the quality of education. These funds are awarded on a competitive basis and are increasingly used to build capacity at the national and regional levels.

Bay Watershed Education and Training Programs

The National Wildlife Federation supports funding NOAA’s Bay Watershed Education and Training (B-WET) program at \$7.2 million in FY 2013. Administered by NOAA since 2003, the B-WET program offers competitive grants to leverage existing environmental education programs, foster the growth of new programs, and encourage development of partnerships among environmental education programs within watershed systems. B-WET’s rigorously evaluated programs are implemented by region, which allows the unique environmental and social characteristics of the region to drive the design of targeted activities to improve community understanding, promote teacher competency, and enhance student interest and achievement in science. A fundamental goal of the program is to demonstrate how the quality of the watershed affects the lives of the people who live in it. B-WET supports programs for students as well as professional development for teachers, while sustaining regional education and environmental priorities. B-WET awards have provided environmental education opportunities to more than 100,000 students and 10,000 teachers. With an increase in funding in FY 08, B-WET expanded from the Chesapeake Bay, California, and Hawaii to also include the Pacific Northwest, the northern Gulf of Mexico, and New England. Sustained funding of \$7.2 million in FY 2013 will enable this successful program to continue addressing the needs of some of America’s largest watersheds.

National Aeronautics and Space Administration (NASA):

Climate Change Education Grant Program

The National Wildlife Federation supports funding NASA's Climate Change Education Grant Program at \$10 million in FY 2013. In FY 2008, Congress appropriated funds for the first time to address climate change education by providing funding for climate change education grants through NASA. In August 2008, NASA announced a Request for Proposals for a first-ever competitive grant program seeking applications from educational and nonprofit organizations to use NASA's unique contributions to climate and earth system science. The goals of the program include: improving the teaching and learning about global climate change in elementary and secondary schools and on college campuses, increasing the number of students using NASA earth observation data/NASA earth system models to investigate and analyze global climate change issues, increasing the number of undergraduate students prepared for employment and/or to enter graduate school in technical fields relevant to global climate change, and increasing access to high quality global climate change education among students from groups historically underrepresented in science. The National Wildlife Federation recommends that the NASA climate change education program be primarily used for grant-making purposes, and focus not only on education about climate science, but also advance education that focuses on the connections and relationships between climate change, the economy, energy, health, and social wellbeing.

National Science Foundation (NSF):

Climate Change Education Grant Program

The National Wildlife Federation supports funding NSF's Climate Change Education (CCE) Grant Program at \$10 million in FY 2013. While public awareness and concern for environmental issues continue to rise, the vast majority of the public remains demonstrably illiterate about the impact of the environment on their lives and how their decisions and actions contribute to it.

Yet climate change education (CCE) is newly emerging as a field, with few materials, curricula, models, standards, or professional development opportunities to fill the void. Furthermore, CCE is inherently interdisciplinary; and as a result, it often falls through the cracks in traditional science education.

NSF initiated the Climate Change Education grant program in FY 09. This program is aimed at improving K-12 to graduate education in climate change science and increasing the public's understanding of climate change and its consequences. In FY 12 CCE was appropriated \$10 million. Congress should sustain FY 12 appropriation levels in FY 13 at \$10 million to aid in the development of the next generation of environmentally-engaged scientists and engineers by supporting awards in the following areas: increasing public understanding and engagement; development of resources for learning; informing local and national science, technology, engineering, and mathematics (STEM) education policy; preparing a climate science professional workforce; and enhancing informed decision-making associated with adaptation to and mitigation of climate change impacts. These emerging priorities lie at the intersection of social/behavioral/economic and Earth system sciences.

Conclusion

Providing federal support for environmental education is a critical strategy in securing our new clean energy future and preparing the next generation for the challenges and opportunities ahead. Thank you again for providing the National Wildlife Federation with the opportunity to provide testimony.

**Testimony in Support of FY 2013 Funding for the
National Science Foundation**

March 22, 2012

Submitted by:

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Submitted to:

House of Representatives Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

The Natural Science Collections Alliance appreciates the opportunity to provide testimony in support of fiscal year (FY) 2013 appropriations for the National Science Foundation. We encourage Congress to provide the National Science Foundation (NSF) with at least \$7.373 billion in FY 2013.

The Natural Science Collections Alliance is a non-profit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. We are comprised of over 100 institutions which are part of an international community of museums, botanical gardens, herbariums, universities, and other institutions that house natural science collections and utilize them in research, exhibitions, academic and informal science education, and outreach activities.

Federal support for science is an investment in our nation's future. The NSF supports research that creates new knowledge. NSF-sponsored research also helps to drive innovation and economic growth. The agency supports job creation directly by awarding research grants to scientists and institutions, and through the acquisition of research infrastructure and instrumentation. NSF also trains the next generation of researchers and science educators. Collectively, these activities provide the foundation for the nation's research enterprise and generate information that ultimately drives economic growth, improves human health, addresses energy needs, and enables sustainable management of our natural resources.

The progress of basic scientific research requires a sustained and predictable federal investment. Unpredictable swings in federal funding can disrupt research programs, create uncertainty in the research community, and impede the development of solutions to the nation's most pressing problems. NSF's budget request for FY 2013 would sustain critical research and education efforts while funding 300 new research grants.

NSF's Biological Sciences Directorate (BIO) is the primary federal supporter of basic biological research. BIO serves a vital role in ensuring our nation's continued leadership in the biological sciences by providing about 62 percent of federal grant support for fundamental biological research conducted at our nation's universities and other nonprofit research centers such as natural history museums. BIO's support of transformative research has advanced our understanding of complex living systems and is leading the way forward in addressing major challenges, such as conserving biodiversity, combating invasive species, and developing new bio-inspired technologies.

Equally important, BIO provides essential support for our nation's biological research infrastructure, such as natural science collections and university-based natural history museums. These research centers enable scientists to study the basic data of life, conduct modern biological and environmental research, and provide undergraduate and graduate students with hands-on training opportunities. Additionally, NSF's Directorate for Geosciences and Office of Polar Programs support data and specimen collections that contribute to our understanding of the Earth's systems.

Support for Scientific Collections

Scientific collections play a central role in many fields of biological research, including disease ecology, biodiversity, and climate change. They also provide critical information about existing gaps in our knowledge of life on Earth. Indeed, the federal Interagency Working Group on Scientific Collections recognized this value in their 2009 report, which found that "scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise."

We strongly encourage Congress to support NSF's request for \$10.0 million to support the digitization of high priority U.S. specimen collections. NSF's investment in digitization would enable the scientific community to ensure access to and appropriate curation of irreplaceable biological specimens and associated data, and will stimulate the development of new computer hardware and software, digitization technologies, and database management tools. This effort is bringing together biologists, computer science specialists, and engineers in multi-disciplinary teams to develop innovative imaging, robotics, and data storage and retrieval methods. These tools will expedite the digitization of collections and contribute to the development of new products or services of value to other industries.

In addition to supporting digitization efforts, NSF supports curation and preservation of important biological specimens. We are concerned, however, about NSF's proposal to change the Collections in Support of Biological Research (CSBR) program from an annual to biennial competition. This change would effectively cut in half support for preservation and care of our nation's biological sciences collections. In addition to preserving important biological specimens for ongoing and future research, CSBR awards are an important source of revenue for American-owned companies that specialize in cabinetry and supplies used by museums and universities. CSBR awards also directly employ researchers and curators, and are used to train the next generation of biological scientists. Given the current financial strain at many museums and universities, CSBR funding is a critical lifeline that helps to ensure proper curation of

specimens. We urge Congress to restore the proposed funding cut of \$4.0 million and to encourage other NSF directorates to join with BIO in providing research support to our nation's natural science collections, which include mineral, water and ice, anthropological artifacts, and biological specimens.

Other Programs

The FY 2013 budget would continue efforts to better understand biological diversity. Funding is included for the Dimensions of Biodiversity program, which supports cross-disciplinary research to describe and understand the scope and role of life on Earth. Despite centuries of discovery, most of our planet's biodiversity remains unknown. This lack of knowledge is particularly troubling given the rapid and permanent loss of global biodiversity. Better understanding of life on Earth will help us to protect valuable ecosystem services and make new bio-based discoveries in the realms of food, fiber, fuel, pharmaceuticals, and bio-inspired innovation.

The Directorate for Geosciences (GEO) also supports research and student training opportunities in natural history collections. GEO supports cross-disciplinary research on the interactions between Earth's living and non-living systems – research that has important implications for our understanding of water and natural resource management, climate change, and biodiversity.

Within the Directorate for Education and Human Resources, the Advancing Informal STEM Learning program is furthering our understanding of informal science, technology, engineering, and mathematics (STEM) education. This program, formerly called the Informal Science Education program, supports projects that create tools and resources for STEM educators working outside traditional classrooms, such as at museums, botanic gardens, and zoos. The program also builds professional capacity for research and development. We urge Congress to restore the proposed 22 percent cut to the program.

Conclusion

Continued investments in scientific collections and the biological sciences are critical. The budget request for NSF will help spur economic growth and innovation and continue to build scientific capacity at a time when our nation is at risk of being outpaced by our global competitors. Please support an investment of at least \$7.373 billion for NSF for FY 2013.

Thank you for your thoughtful consideration of this request and for your prior support of the National Science Foundation.

Emily Woglom, Director of Government Relations for Ocean Conservancy
Testimony for the Subcommittee on Commerce, Justice, Science and Related Agencies on
FY 2013 Appropriations for the National Oceanic and Atmospheric Administration

Thank you for this opportunity to provide Ocean Conservancy's recommendations for FY 2013 funding for NOAA. We urge Congress to provide an overall funding level of \$5.3 billion for NOAA in order to fully fund the request for NOAA's satellite procurements and restore overall funding for ocean and coastal programs to FY 2010 levels. Within that total we recommend the following funding levels for the following specific programs:

Account, Program or Activity (\$ in millions)	FY 12 Enacted	FY 13 Pres Bud	FY 13 Recmnd Level
Operations Research and Facilities			
<i>National Ocean Service</i>			
Regional Ocean Partnerships	3.5	4	10
Marine Debris	4.6	3.4*	5.25
<i>National Marine Fisheries Service</i>			
Expand Annual Stock Assessments	63.5	68.6	68.6
Fisheries Statistics	23.1	23.5	24.4
<i>Office of Oceanic and Atmospheric Research</i>			
Integrated Ocean Acidification	6.2	6.4	11.6
<i>Program Support</i>			
Office of Marine and Aviation Operations	182.9	196.2	196.2
TOTAL NOAA	4,964	5,133	5,300

* Proposed funding for Marine Debris in FY 13 is unclear as NOAA has moved the Marine Debris program line into the Habitat Conservation and Restoration and merged it with several other programs.

Ocean Conservancy has worked for nearly 40 years to address ocean threats through sound, practical policies that protect our ocean and improve our lives. We recognize that real leadership means real cooperation — between governments, businesses, scientists, policymakers, conservation organizations, and citizens. Our focus is on creating concrete solutions that lead to lasting change — so we can benefit from the ocean for generations to come.

We simply cannot afford the under-funding of NOAA's ocean and coastal programs. NOAA's mission in protecting, restoring and managing our oceans and coasts is vitally important not only to our oceans and coasts but also to our coastal and national economies. In 2009, according to the National Ocean Economics Program, coastal tourism and recreation contributed more than \$61 billion to the Gross Domestic Product and accounted for over 1.8 million jobs. Covering two-thirds of Earth's surface, the ocean is home to 97 percent of all life. Even the air we breathe is connected to a healthy ocean — more than half of the oxygen in the atmosphere is generated by ocean-dwelling organisms.

While we recognize these are tough fiscal times, and Congress is trimming government budgets across-the-board, NOAA's ocean programs have been particularly hard-hit with a nearly 14% reduction since 2010. With satellite procurement costs continuing to grow, we urge Congress to

maintain a balanced portfolio on investments across NOAA's missions. Americans shouldn't have to choose between forecasting the weather and protecting our ocean. We need both.

We recommend a total funding level of \$5.3 billion for NOAA. This funding supports the President's request for the Procurement, Acquisition, and Construction account, while restoring funding for the Operations Research and Facilities account to FY 2010 funding levels. Providing the resources needed to make smart choices for a healthy ocean will not just benefit those who live and work along the coast, but the American economy and environment as a whole.

Within the recommended funding of the Operations, Research, and Facilities account, Ocean Conservancy would like to highlight the following as top priorities for robust funding:

Investments in Fisheries Science and Information

- **Expand Annual Stock Assessments, \$68.8 million:** Stock assessments provide critically needed resources for fisheries managers to assess priority fish stocks and implement the requirement for annual catch limits (ACLs). The survey and monitoring and stock assessment activities funded under this line give fishery managers greater confidence that their ACLs will avoid overfishing while providing optimal fishing opportunities. Because the information provided by stock assessments is so vital to the near-term implementation of ACLs and long-term goals for sustainable management of US fisheries, increased funding for stock assessments should remain among the highest priorities in FY 13 and beyond. We have turned the corner on ending overfishing and the information provided by stock assessments is needed to sustain the progress we have made and to continue to improve fisheries management for the long-term health of fish and fishermen.
- **Fisheries Statistics: Marine Recreational Fisheries Monitoring, \$24.4 million:** Despite their often sizeable economic and biological impacts, much less data are collected from recreational saltwater fisheries than commercial fisheries due to the sheer number of participants and limited sampling of anglers' catches. Improved sampling and timelier reporting of catch data are needed for successful management of marine recreational fisheries. NOAA has recently begun to implement the new Marine Recreational Information Program (MRIP) with the goal of providing better regional monitoring of recreational fishing participation, catches, landings, and releases of finfish species in marine waters and estuaries for all 50 states and the US territories and Commonwealths. Since its inception in 2008, MRIP funding has increased to expand the program's capability, but significant additional funding is still needed to provide more frequent and timely data for more effective in season management of recreational fisheries. An increase of \$1.3 million over FY12 enacted is needed for MRIP for a funding level of \$24.4 million for Fisheries Statistics in FY 13.
- **OMAO Operations and Maintenance \$196.2 million:** Base funding for NOAA's Office of Marine and Aviation Operations (OMAO) supports a fleet of 10 Fishery Research Vessels whose primary mission is to provide baseline information on fish populations that is critical to the development and regular updating of fishery stock assessments for the catch-setting process. More than 80% of stock assessments for species rely on this data. In recent years, however, rising operating costs (largely attributable to rising fuel costs) and budget constraints have sharply reduced the base-funded days at sea (DAS) for NOAA's fleet. The number of base-funded DAS for NOAA's fleet declined 40% between 2006 and 2011 forcing NMFS to spend its program funds to "buy back" days at sea not covered by OMAO in order to maintain its regularly scheduled surveys and collect data that is needed to set appropriate

catch limits. In order to meet the number of DAS needed to collect the data required by managers, we support the President's Budget request of \$196.2 million.

Regional Ocean Partnership Grants, \$10 million: The Regional Ocean Partnership grants program provides competitively awarded funds to projects that support regional priorities for ocean and coastal management and science. Regional approaches continue to be the most effective and efficient way to address ocean management challenges. Dozens of coastal Governors have come together voluntarily to establish Regional Ocean Partnerships that bring together state and federal agencies, tribes, local governments, and stakeholders to tackle ocean and coastal management issues of common concern, such as pollution, habitat restoration, and siting offshore energy. While priorities, structures, and methods may differ, these partnerships are collectively working towards an improved ocean environment and a stronger ocean-related economy for the Nation. Competitively-awarded grants for Regional Ocean Partnerships ensure that ocean management is a state-driven process where priorities are determined by actual, on-the-ground needs. Without these competitive grant funds, states and their Partnerships will be less able to assert local and regional management needs, and their ability to leverage the federal government's expertise and capacity will be weakened.

While we greatly appreciate the President's budget request for \$4 million for Regional Ocean Partnership grants, the reality is that \$4 million spread across the entire nation's coastal regions falls far short of what state partnerships actually need. Without this increase, it is possible that some regions and regional entities may receive either no funding or only very limited funding. Increased federal support for Regional Ocean Partnerships—which represent every coastal and Great Lakes state in the continental U.S.—will ensure that funding will reach more regions and strengthen more states' ability to foster sustainable use of our oceans, coasts and Great Lakes. For these reasons, we request that the Regional Ocean Partnership Grants line-item within NOAA's National Ocean Service be increased to \$10 million.

Marine Debris, \$5.25 million: Marine debris has become one of the pervasive pollution problems facing the world's oceans, coasts and waterways. Research has demonstrated that persistent debris has serious effects on the marine environment, wildlife and the economy. Marine debris in its various forms including derelict fishing gear and plastics, causes wildlife entanglement, destruction of habitat, and ghost fishing. It also presents navigational hazards, causes vessel damage and pollutes coastal areas. The problem of marine debris has been growing over the past several decades and natural disasters such as the March 2011 Japanese tsunami tragedy can exacerbate an already challenging issue. Trash travels and research indicates that tsunami debris could impact the Northwestern Hawaiian Islands in the spring of 2012 and the West Coast of the US in 2013.

While the quantity of marine debris in our ocean has greatly increased, funding for NOAA's Marine Debris Program has remained well below the authorized level of \$10 million. We were pleased to see an additional \$600,000 for marine debris removal in 2012, but additional resources are needed to ensure NOAA has the capacity to monitor and respond to the impacts of debris from the tsunami and other sources. In order to sustain current programs and allow NOAA the capacity to evaluate, track and clean up the debris from the tsunami which is likely to impact US shores, for FY 13 we request \$5.75 million, \$750,000 above FY 12 funding levels.

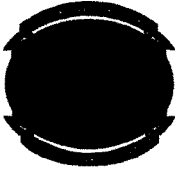
In addition, the Administration has proposed moving the Marine Debris Program out of the National Ocean Service (NOS) and into the National Marine Fishery Service's (NMFS) Habitat Conservation and Restoration Program. We have significant concerns with this proposal. When Congress passed the Marine Debris Act of 2006, the Marine Debris Program was deliberately placed within NOS. The program's role includes conducting scientific research, addressing navigational hazards, identifying the economic impacts of debris, and preparing and responding to marine debris events. If placed under the umbrella of NMFS's Habitat Conservation and Restoration Program, the effort and the scope Marine Debris Program could be restricted. Working closely with NOS's Office of Response and Restoration's (ORR) emergency division, the program has collaborated on tsunami debris response through modeling, assessment and preparation. At a time when the potential impacts of the tsunami are unknown, it seems a close connect between ORR and the Marine Debris Program should be a priority.

Integrated Ocean Acidification Program, \$11.6 million: In recent years, scientists have raised the alarm about ocean acidification – a process whereby ocean waters' absorption of carbon dioxide emissions alters marine acidity. Over the last 250 years, oceans have absorbed 530 billion tons of carbon dioxide, triggering a 30 percent increase in ocean acidity. These changes can have far-reaching consequences for marine life, including economically important species like shellfish and corals. For example, the shellfish industry in the Pacific Northwest has been devastated in recent years as more acidic waters encroached upon important oyster hatcheries, nearly wiping out several years-worth of oyster "seed".

Recognizing the dire need for better understanding of this emerging economic threat, in early 2009 Congress passed and enacted the Federal Ocean Acidification Research and Monitoring (FOARAM) Act. Under FOARAM, Congress instructed NOAA to establish an ocean acidification program to coordinate research, establish a monitoring program, develop adaptation strategies, and provide critical research grants to improve the understanding of ocean acidification's ecological and socioeconomic impacts. Because economic impacts like those seen in the shellfish industry are on the leading edge of what will be a growing problem, adequate funding for this line item is critical to fulfill Congress's directives and build the scientific foundation needed to protect vulnerable industries from ocean acidification.

While the President's budget requests \$6.4 million for Integrated Ocean Acidification for FY2013, we believe that the President's FY2012 request of \$11.6 million is far more reflective of the actual on-the-ground needs. As stated in the President's FY2012 NOAA Congressional Budget Justification, funding at the \$11.6 million level will allow NOAA to develop more cost-efficient acidification sensors for monitoring; conduct an assessment of acidification effects on commercial and recreational marine fish stocks; and create a Coral Reef Ocean Acidification Observing Network. By increasing the programmatic funding for Integrated Ocean Acidification to this level, NOAA will be able to take these concrete actions to more effectively tackle the economic, on-the-ground implications of ocean acidification and prepare more effectively for future adaptation strategies that will protect our nation's key ocean and coastal economic assets.

Thank you for the opportunity to provide this testimony. If you would like further information, please contact Emily Woglom at 202-351-0491 or ewoglom@oceanconservancy.org.



PACIFIC STATES MARINE FISHERIES COMMISSION

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**Testimony of Randy Fisher, Executive Director
Pacific States Marine Fisheries Commission
Before the House CJS Appropriations Subcommittee
Regarding the National Marine Fisheries Service Budget
March 19, 2012**

The following testimony is being submitted in response to the Administration's proposal to terminate funding for the Inter Jurisdictional Fisheries Act Grants to States, a longstanding line item account within the National Marine Fisheries Service budget. In addition to the FY '13 proposed termination, the Administration has zeroed out the IJFA Grants program for FY '12 as part of its Spend Plan, although the Congress appropriated \$1,157,000 for this year. The Pacific States Marine Fisheries Commission is requesting that the Inter Jurisdictional Fisheries Act base funding be restored to \$2.5 million.

Traditional funding levels for the IJFA have been roughly \$2.5 million annually. These grants serve to support the conservation and management of fish species which occur in both federal and state waters. For the West Coast, the funding is used to support conservation and management tasks not currently being undertaken by NOAA or the Regional Fishery Management Councils. The IJFA is a dollar-for-dollar matching program. The States and the Interstate Marine Fisheries Commissions have considered this program to be a cornerstone in the Federal-State fishery management partnership. The Administration's decision to terminate this program effectively nullifies this partnership.

Set forth below is an explanation of how the states of Alaska, Washington, Oregon, Idaho and California and the Pacific States Marine Fisheries Commission use the IJFA matching grants. If the program funding is terminated, these activities will cease as well or NOAA will be required to allocate internal resources for their continuation.

Uses of IJFA Funds by the West Coast States and PSMFC

Washington and Oregon use the majority of their IJFA funds for groundfish data collection and analysis activities that directly support the implementation of Pacific Coast Groundfish Fishery Management Plan.

In addition, a portion of these funds directly support the cost of yelloweye rockfish surveys using ROV's, yellow rockfish longline surveys and nearshore rockfish

"To promote the conservation, development and management of Pacific Coast fishery resources through coordinated regional research, monitoring and utilization"

tagging projects providing the essential charter boat rental, equipment/gear, data processing and salary for technicians involved in coastal. A portion of the funds support management of Oregon's Pink Shrimp Fishery. Ocean Shrimp are an Interjurisdictional Fishery found on the West Coast. Resource management of shrimp requires monitoring and sampling of fishery catches and logbooks. IJFA Funds directly support biologists in monitoring, sampling and management coordination of the shrimp fishery.

In California IJFA Funds support the coastal pelagic species program. Pacific Sardines, Pacific Mackerel, and Jack Mackerel account for nearly 86,000 tons of commercial catch in California.

Field personnel funded by IJFA Funds monitor daily landings of Pacific Sardine and Pacific Mackerel made to major commercial fish dealers and processors. Data from samples are used to determine the composition of the catch from which estimates of population size determine recommended harvest amounts for adoption by the Pacific Fishery Management Council.

Field biologist and temporary help staff are also funded by IJFA Funds to participate in at-sea cruises designed to collect fishing independent information on the status of coastal pelagic species. These fishery independent data are also used as part of stock assessment efforts to determine allowable harvest levels.

In Idaho IJFA funds support field biologists in carrying out activities to determine the abundance and migratory patterns of steelhead returning to the Snake River. This information is a critical component to setting management, harvest and escapement levels conforming to U.S. vs. Oregon and U.S. Canadian Treaty obligations.

In Alaska, IJFA funds support salmon research activities in Southeast Alaska. The funds have been used to complete four sub-projects including Pink and Chum Salmon stock evaluations, Coho Salmon spawning research, salmon catch sampling and troll fishery management methods research.

IJFA funds are used by the Pacific States Marine Fisheries Commission (PSMFC) to coordinate the Tri-State Dungeness Crab Fishery. This is the largest economic fishery in the West Coast and seasons are managed on an Interjurisdictional fishery basis. Without IJFA funding of meetings and workshops would not be possible and state management of Dungeness Crab could become a Federal responsibility.

In addition PSMFC has used IJFA funds to establish a new initiative to support and encourage increased scientific and conservation for coastal cutthroat trout (CCT) throughout their geographic distribution (from California to Alaska). The effort includes nine state, federal, tribal, and provincial partner agencies. This IJ funded range-wide initiative is important because it helps coordinate activities for fish species that is typically under-funded. It is necessary because the trout has a complex regulatory history, for example, it is currently listed as a sensitive species by many of our partner agencies, and was listed as threatened under the Endangered Species Act. Finally, these

trout hold a unique place in the angling world as it is one of two sea-going trout in Western North America. The PSMFC initiative has resulted in two technical workshops and a National Symposium, a framing document that outlines the needs and broad scale priority actions for CCT, a status assessment in collaboration with the Western Native Trout Initiative, and an ambitious and successful data gathering project.

Since 1991, IJ funds have been used by the PSMFC to sponsor biennial west coast workshops on steelhead management. Topics for these workshops include stock status, Endangered Species Act activities, life histories of steelhead, life histories and historical abundance of steelhead, and technology applications for steelhead studies. This unique forum allows steelhead managers and researchers on a coastwide basis (US and Canada, including Alaska and Idaho) to discuss common problems and to share insights into possible solutions.

IJ funds also support the Technical Subcommittee (TSC) of the Canada-U.S. Groundfish Committee, which has met at least annually since 1960. The purposes of the TCS are to:

- A. Exchange information on the status of groundfish stocks of mutual concern and coordinate, whenever possible, desirable programs of research.
- B. Recommend the continuance and further development of research programs having potential value as scientific basis for future management of the groundfish fishery.
- C. Review the scientific and technical aspects of existing or proposed management strategies and their component regulations relevant to conservation of stocks or other scientific aspects of groundfish conservation and management of mutual interest.
- D. Transmit approved recommendations and appropriate documentation to appropriate sectors of Canadian and U.S. governments and encourage implementation of these recommendations.

IJ funds support PSMFC staff for habitat conservation and marine debris abatement work through participation in three primary Interjurisdictional forums:

- the Pacific Fishery Management Council's (Council) Habitat Committee and,
- the West Coast Governor's Agreement on Ocean Health marine debris action coordination team and,
- the Pacific Marine Estuarine Fish Habitat Partnership.

Work regarding climate change strategies and planning for the Pacific NW was also pursued. IJ project funding allowed PSMFC to play active roles in preparing for, participating in, and doing follow-work for the Council Habitat Committee and serving as the vice-chair of that committee. This committee advised the Council on conservation and resource topics that influence habitat productivity. These include duties mandated by the federal Magnuson-Stevens Fishery Conservation and Management Act (Public Law 94-265) to comment on significant issues that affect salmon productivity. Additionally,

Essential Fish Habitat, climate change and ecosystem based fishery management and topics regarding water issues, are frequently a part of its agenda.

Since 1999 the PSMFC's Aquatic Invasive Species (AIS) Program (with the support of IJ funds) has worked to prevent and/or minimize impacts of AIS, particularly those species that affect fisheries and the habitat upon which those fisheries depend. The program elements include eradication, research, monitoring, educational outreach, Interjurisdictional planning and coordination.

IJ funds are critical and providing support for the AIS program particularly in the past 5 years as west coast steelhead and salmon waterbodies are being threatened by Quagga and Zebra mussels. Zebra and quagga mussels are some of the economically damaging aquatic organisms to invade the United States. The destructive powers of these prolific mollusks lies in their sheer numbers and their ability to biofoul and restrict the flow of water through intake pipes, disrupting supplies of drinking, cooling, processing and irrigating water to the nation's domestic infrastructure.

A quagga/zebra mussel infestation in any of these salmonbearing watersheds would be a disastrous step backward for the recovery of these imperiled species and has heightened the urgency of management initiatives to halt further range expansion.

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I am writing in support of increased funding for NASA. Please refer to the statement submitted by The Planetary Society, of which I am a member.

We have cut back way, way, way too much on space exploration. I am particularly concerned about cuts to our Mars program. Just when we are on the verge of great discoveries, we are cutting back. That is ridiculous. The NASA budget is only 0.5 percent of the federal budget. It should be at least 1 percent. I wrote the following column last summer for the Muskegon Chronicle and Petoskey News-Review. It is still relevant.

1 Percent for NASA

When Space Shuttle Atlantis landed last summer, it marked the end of manned space flight by the United States for the foreseeable future.

Given the current budget climate, it could be even longer.

NASA is turning over low Earth orbit to private companies, but it will be at least five years before the private sector puts people in space. Meanwhile, Russia will ferry our astronauts to space for \$63 million per person using 1960s technology. Who really won the space race?

The United States won, and we are still ahead, but we keep lurching in one direction, then another. We start a program, cancel it, start another. We have no clear definition of where we are going or how to get there.

NASA had bold plans after the Apollo moon landings from 1969 to 1972. It envisioned an orbiting space station serviced by a space shuttle. Larger vehicles would be assembled at the station for missions to the moon and beyond. Eventually there would be a moon base with missions to Mars by 1990. Regular people would fly in space. I still have my moon flight ticket from Pan Am. I figured even with 34,671 people in front of me, by now I'd be going.

It never happened. President Nixon slashed space spending, cutting NASA's last three moon landings and rejecting plans for a space station, returning to the moon, and expeditions to Mars. Only the shuttle remained. We eventually did build a space station with the shuttle, but in the end, the shuttle proved too complex and expensive to operate, the victim of too many compromises and too little initial funding.

Now that the shuttle program is over, NASA has no plans for more manned flights. Disappointingly, President Obama, who I supported, has no real plans for NASA either. He talks vaguely of future Mars missions and trips to an asteroid, but there is no Apollo-like program to accomplish those missions, only muddled plans for a big rocket, apparently with the hope a mission materializes for it.

If President Obama really cares about the space program — and I don't think he does — he needs to make a bold proposal, and back it the way President Kennedy did Apollo. Kennedy wasn't interested in space, either, but he realized its importance, and believed U.S. interests were at stake. So he walked the walk and talked the talk, increasing NASA's budget 400 percent during his time in office.

Can you imagine that happening now? With budget-cutting hysteria sweeping Washington, NASA is under siege. Plans are afoot in Congress to cancel the James Webb Space Telescope (Hubble's successor) and cut robotic missions to Mars, among other things.

Those battling cutbacks often argue space is worth doing because it helps the economy. Example: the end of the shuttle program means 10,000 people lose their jobs. One of the most wrenching moments I had covering the Endeavour launch in May was hearing our NASA press bus escorts talk about who had received lay-off notices, and when they expected to get theirs.

But you don't explore space for economics. The spin-off is great, but there are probably more cost-effective ways to accomplish the same things. You do it because, in the words of Mark Kelly, commander of the Endeavour mission, "It's in the DNA of our great country to reach for the stars and explore. We must not stop."

If we turn our back on space exploration, it is a sign we are turning backward as a nation. Maybe we are. I hope not.

In an eloquent commentary about the upcoming end of the shuttle program, NPR's Scott Simon noted NASA's \$19 billion budget is about 0.5 percent of all federal spending. (It was nine times that — 4.4 percent — in the mid-1960s).

"Would it be so out of whack, as some space enthusiasts suggest, for the United States to double what's spent on space to, say, 1 percent of the federal budget?" Simon asked. "To plot a course for Mars, one of Jupiter's moons or an asteroid, and inspire a new generation?"

It would not be "out of whack." We have cut NASA too much. Yes, 4.4 percent of the budget probably is too large. But 0.5 percent?

We should increase NASA's budget to 1 percent of federal spending by 2020, with the goal of landing astronauts on Mars by 2030. Mars is "the most scientifically interesting destination in the inner solar system," according to the recent Augustine report on human spaceflight. It once had flowing water, perhaps even life, and has resources we could live on.

Call me delusional, but I think there is plenty of money for space exploration and lots else. However, we must stop fighting ridiculous, trillion-dollar wars that accomplish little or nothing, and we must increase taxes on the wealthy. I, for one, do not favor cutting programs that help the poor, let alone NASA, so we can give tax cuts to wealthy Americans.

Nearly 60 percent of all Americans, including majorities of all political, economic and educational demographics — even liberals — believe the United States should continue to be a leader in space. It is a source of national pride and accomplishment. It fosters the can-do spirit that made us a world leader. The government (NASA) is there to do things private individuals and organizations cannot. A Mars mission is one of those things.

One percent for NASA? Mars by 2030? Yes, we can.

Perry D. Clark is an award-winning reporter, editor and photographer. During his journalism career he has covered a host of science and environmental issues including the space program, nuclear power and evolution. In May 2011 he covered the final launch of Space Shuttle Endeavour — the next-to-last mission of the 30-year space shuttle program. He lives in Resort Township, Emmet County, Mich., with his wife, Karen. Email: pdc@freeway.net.



**Statement of Lee R. Crockett, Director of Federal Fisheries Policy, Pew Environment Group for the Record of the House Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
Hearing on the President's FY 2013 Budget Request for the Department of Commerce**

March 22, 2012

The Pew Environment Group (PEG) appreciates the opportunity to provide a statement for the record on the National Oceanic and Atmospheric Administration's (NOAA) FY 2013 budget request, particularly as it relates to the implementation of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the law that has governed management of America's valuable ocean fish since 1976. We strongly support the President's FY 2013 budget request of **\$349.2 million for fisheries research and management programs** of the National Marine Fisheries Service (NMFS). This request recognizes the critical role that healthy fisheries play in the nation's economy and the need to invest in the fisheries science and management that helps support our commercial and recreational fisheries.

U.S. Fisheries Management – Turning a Corner Thanks to the MSA

For years, overfishing – taking fish faster than they can reproduce – plagued our nation's valuable fish populations, with iconic stocks like cod and snapper reaching historically low levels by the mid-nineties, leading to lost fishing jobs and damaged marine ecosystems. Recognizing that the future of a healthy fishing industry was at stake, Congress acted in 1996 and again in 2006 to strengthen the conservation provisions of the MSA to end and prevent overfishing and rebuild depleted species. Key among these reforms was the requirement to establish annual catch limits (ACLs) – a very effective tool to ensure sustainable fishing – on all federally-managed fish stocks

Since Congress put these measures in place, 23 species have been rebuilt, including summer flounder in the mid-Atlantic and Gulf of Maine haddock.ⁱ By the end of this year, all federally-managed stocks will have science-based, enforceable ACLs that do not allow overfishing, a historic milestone. Thanks to Congress' foresight, we are finally turning a corner toward ending overfishing, rebuilding depleted populations and sustaining fishing for the next generation of commercial and recreational fishermen. Fishermen across the country have contributed enormously to this success through their hard work and sacrifice. Continued investments in fisheries science and management will build upon these successes and support the nearly 1.4 million full and part-time jobs that depend on healthy fish populations.ⁱⁱ

Science-based Management

Similar to managing a stock portfolio, strong fisheries rely on accurate and timely information and a stable regulatory environment to help predict performance, guide business decisions, and

protect the natural capital. Fisheries occur within a constantly shifting environment, requiring routine, frequent monitoring and assessment to ensure that management actions -- particularly setting catch limits -- are responsive to the needs of the resource and fishermen. Congressional investments in fisheries research, monitoring and assessment will facilitate the science-based management necessary to allow continued returns while guarding against a “fisheries deficit” by spending down the natural capital of our valuable fish stocks.

FY 2013 Appropriations – High Return Investments for America’s Fisheries

PEG supports the President’s FY 2013 request of \$349.2 million for fisheries research and management programs, an increase of \$11.6 million over FY 2012 estimated levels. This investment will help us continue our historic transition to sustainable fishing by supporting strong science and responsive management, the two most critical elements maintaining healthy fish stocks and successful fishing businesses.

- **Expand Annual Stock Assessments:** \$68.6 million as requested, an increase of \$5.1 million over the FY 2012 estimated level. Fish stock assessments provide information on the health of a population and the amount of fishing that it can sustain, which is critical for setting science-based ACLs that prevent overfishing and maintain productive fisheries over time. Timely, updated stock assessments reduce the scientific uncertainty associated with ACL-setting and can help fishery managers to increase commercial and recreational fishing opportunities while minimizing the risk of overfishing. We strongly support this critical increase in funding.
- **Fisheries Statistics:** \$23.5 million as requested, an increase of \$381 thousand over the FY 2012 estimated level. This budget line item supports programs that provide advice, coordination and guidance on matters related to the collection, analysis and dissemination of statistics in both commercial and recreational saltwater fisheries. The Marine Recreational Information Program, which provides the recreational fishing data to help guide management of recreational fishing, is funded primarily through this budget line-item. Higher quality data on marine recreational fishing, which contributes \$59 billion in sales impacts to the U.S. economy and supports 384,000 jobs, will allow scientists to better estimate fishing mortality and set more precise catch limits, thus reducing the risk of overfishing.ⁱⁱⁱ At a time when recreational fishermen and scientists agree that better data are critical for both restoring fish populations and maintaining recreational fishing opportunities, we urge Congress to support this increase in funding.
- **Survey and Monitoring Projects:** \$24.3 million as requested, an increase of \$2.6 million over the FY 2012 estimated level. Survey and monitoring projects provide timely analysis of catch and fishing effort, information that is critical to setting catch limits and improving estimates of ecosystem change, amount of fish killed by commercial and recreational fishing, and population size.
- **Observers/Training:** \$43.1 million as requested, an increase of \$3.4 million from the FY 2012 estimated level. Trained fisheries observers provide essential data on the amount and type of fish caught by fishermen, which is used for compliance monitoring and to estimate

the total amount of fish killed by fishermen, information that is critical for scientific stock assessments.^{iv} NOAA considers at-sea observers the most reliable source of information about fishing catch and bycatch (i.e., incidental catch of non-target ocean wildlife).^v

- **Cooperative Research:** \$12.0 million as requested by the President, an increase of \$1.0 million from the FY 2012 estimated level. Cooperative research programs pay fishermen, working under the direction of federal scientists, to collect fisheries data and test new sustainable fishing gear and practices. These programs provide jobs for fishermen and also enable managers to tap into their on-the-water knowledge and expertise. In 2003, NMFS estimated that it would need \$25.5 million for cooperative research by FY 2009.^{vi}
- **Fisheries Research and Management Programs:** \$177.6 million as requested, an \$872 thousand decrease from the FY 2012 estimated level. Fisheries research and management programs provide accurate and timely information and analysis of the biology and population status of managed fish, as well as the socioeconomic impacts of fishery management actions.

In the current economic climate, these recommendations represent the minimum investments necessary to maintain healthy fish populations and vibrant commercial and recreational fisheries.

We thank the Subcommittee for recognizing the importance of fisheries research and management programs and ask you to continue to prioritize these investments that support fishing jobs, coastal communities, and healthy fish stocks.

Citations

ⁱ Testimony of Eric Schwaab on Eight Bills that Would Amend the Magnuson-Stevens Fishery Conservation and Management Act before the U.S. House of Representatives Committee on Natural Resources. P.3. Dec 1, 2011. <http://www.legislative.noaa.gov/Testimony/Schwaab120111.pdf>

ⁱⁱ National Marine Fisheries Service (NMFS), "Fisheries Economics of the United States, 2009," www.st.nmfs.noaa.gov/st5/publication/fisheries_economics_2009.html. Please note: 2009 is the most recent data available. Also, the value would increase significantly if the additional economic output of diving and other ecotourism industries that depend on thriving fish populations were also included.

ⁱⁱⁱ NMFS, 2010, "Fisheries Economics of the United States, 2008", <http://www.st.nmfs.noaa.gov/st5/publication/fisheries_economics_2008.html>.

^{iv} NOAA, "NOAA FY 2012 President's Budget", Chapter 2: National Marine Fisheries Service, p. 315-19. Available at: http://www.corporateservices.noaa.gov/~nbo/fy12_presidents_budget/National_Marine_Fisheries_Service_FY12.pdf.

^v NOAA/NMFS, Evaluating Bycatch: A National Approach to Standardized Bycatch Monitoring Programs, NOAA Technical Memorandum NMFS-F/SPO-66, October 2004. 108 p.

^{vi} NMFS' 2003 five year assessment estimated the need for cooperative research to be \$22.8 million above FY 2003 levels by FY 2009, for a total of \$25.5 million.



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**Testimony in support of NOAA's Office of Protected Resources
House Committee on Appropriations Subcommittee on
Commerce, Justice,
Science, and Related Agencies**

**Submitted by Richard Delaney
President and CEO Center
for Coastal Studies
Provincetown, MA**

Project Summary:

National Oceanic and Atmospheric Administration / National Marine Fisheries Service / Office of Protected Resources has supported and relied on the Massachusetts Large Whale Conservation Program to fulfill its legal mandates under the Marine Mammal Protection Act. It has funded the Massachusetts Division of Marine Fisheries (DMF) and the Provincetown Center for Coastal Studies (PCCS) to protect, restore and manage large whale species in state waters and adjacent federal areas.

I strongly recommend level funding for the Office of Protected Resources helps support the MA program, which provides support for research and monitoring of North Atlantic right whales and entanglement response for all large whale species. This federal grant in recent years has leveraged additional funding of \$100,000 from Massachusetts DMF to support coordination of fisheries management programs with whale conservation programs.

This federal / state collaboration has provided a balanced approach to both sustained fisheries management and successful marine mammal conservation. Further, this program helps assure a healthy and recovering population of whales in the Gulf of Maine which continues to support a whale-watching industry that annually services 1.5 million tourists, produces over \$40 million dollars in direct revenue and supports hundreds of related jobs.

The program comprises three distinct yet mutually supportive long-term projects with direct conservation impact: aerial surveys of right whales during winter/spring in Cape Cod Bay and adjacent waters; right whale feeding habitat assessment during winter in Cape Cod Bay; and entanglement readiness and response for whales from New Hampshire to Rhode Island. The geographic scope of these three efforts includes a federally-designated Cape Cod Bay Right Whale Critical Habitat, as well as several other habitats with historically high rates of entanglement sightings of protected whale species (Stellwagen Bank, a National Marine Sanctuary; Great South Channel, also a right whale Critical Habitat; and Jeffreys Ledge).

Background:

NMFS / OPR has recognized the waters surrounding the Commonwealth of Massachusetts as home to a range of marine species including federally protected marine mammals and designated parts of Cape Cod Bay as Critical Right Whale Habitat. Long term studies have identified specific management needs for many of these species with a special emphasis on those listed under the US Endangered Species Act (ESA), while all species are offered additional protection under the US Marine Mammal Protection Act. The Massachusetts State Conservation Program for Large Whales is a collaborative effort to protect, restore and manage these species in response to these two acts.

Overlap between marine mammals and a human activity is longstanding and complex. In the few marine mammal species studied intensively in this area, human-induced mortality continues to exceed federally targeted limits. Reducing these impacts requires up to date information as well as a readiness to respond to and predict emerging events. The three projects included in this program have significant impact in this regard.

North Atlantic right whales are among the rarest large whale species, with a population of approximately 450 individuals. In addition to elevated mortalities caused by ship strikes and entanglement in fishing gear, right whales must also contend with the less obvious threat of habitat degradation. Right whales are known to occur in Cape Cod Bay and adjacent waters in all months of the year, with peak occurrence from February through April. Studies since 1998 have demonstrated that Cape Cod Bay is an important feeding, nursery and socializing area from December through mid-May and was federally designated as one of the known critical habitats along the US East Coast.

Understanding the real-time movements of this and other species is critical to management decisions and the waters off Massachusetts provide some of the best access to these species across their range. Inferences drawn from studies in the waters off Massachusetts have and will continue to inform conservation strategies in other management areas.

Photographic information gathered during these sightings is used collaboratively to improve management decisions. Entanglement sightings from PCCS field teams as well as from other professional mariners are reported in real time to a network of trained entanglement responders including a team at PCCS. Entanglement response, as well as disentanglement operations, provides measurable conservation benefit while gathering valuable data on the causes and circumstances of entanglement events obtainable in no other way.

Continuing federally mandated efforts to reduce entanglement for all species will depend upon information that is difficult and slow to obtain without safe, dedicated entanglement responses.

Conclusion and Benefits:

Population and Habitat Monitoring;

Boat-based sampling of the Cape Cod Bay habitat and right whales at PCCS began in 1984, with systematic aerial survey effort starting in 1998. Since that time findings have helped define many of the factors controlling right whale residency and risks in this habitat. Continued support for these efforts in Cape Cod Bay during winter will:

*Photographic and sighting data are integrated into the right whale photo-identification catalogue at the New England Aquarium (Near) and the sighting database at the University of Rhode

Island. The data then contribute to larger-scale analyses of presumed mortality, incidence of ship strike and entanglement, and demographics.

* This ultimately reduces the probability that right whales will be killed by collisions with large vessels by providing near real-time sighting data within Massachusetts waters to port authorities, commercial and military vessels, and other maritime operations.

The sightings information also warn fisheries managers of the presence of whales in locations where fixed fishing gear has been deployed continue to compliments and validates ongoing passive acoustic monitoring efforts for right whales.

Rescue and Disentanglement: This component of the program monitors right whales for evidence of entanglement. Each right whale encountered during aerial surveys is examined visually for any evidence of attached gear. The entanglement response team is on standby, ready for immediate dispatch in the event an entangled whale is reported. PCCS disentanglement activities are conducted under a permit held by the NOAA Marine Mammal Health and Stranding Response Program (permit # 932-1905-MA-009526). Entanglement readiness and response program benefits include:

* Reduce the severity of entanglement injuries and the frequency of entanglement mortality within the response range.

* Provide a whale- and human-safe alternative for mariners encountering entangled whales.

* Provide entanglement-related information to DMF and NMFS on a near-real time basis for management purposes.

* Documentation of entanglements and disentanglement activities will also be used to advance disentanglement techniques and provide data in support of research on the causes and impacts of entanglement.

Summary:

This collaborative program provides the best possible level and most cost-effective protection and conservation for marine mammals in the northeast through utilization of state resources and local expertise. This critical field work helps maintain local jobs, helps fisheries agencies avoid or minimize conflicts with fishing activities and helps fulfill our joint responsibility to conserve marine mammals.

From: Prof Dr R J Slobodrian [mailto:rjslobod@phy.ulaval.ca]
Sent: Monday, March 19, 2012 10:28 AM
To: Approp, CJ
Subject: Priorities, Plans, and Progress of the Nation's Space Program for FY13
Importance: High

Dear members of the Committee,

I am a space scientist working in Canada, although I spent eight years of my career in the USA. I have carried out experiments with NASA's microgravity facilities. NASA used to be in the forefront of the world's space science leading the way for planetary exploration and beyond. The ultimate destiny of mankind is perhaps away from our planetary system and the groundwork for this has been in the past and should be in the future NASA's **science programs**. They should be restored in FY13 to recover NASA's leadership above other space faring nations (v.l. China, Russia, Europe (ESA), Japan). The United States is presently risking to miss the boat. You have the power and the means to keep NASA in its past leadership position. Please do it !!

Sincerely yours,

Dr R J Slobodrian, P.Phys.
Professor, department of physics, engineering physics and optics.
Laval University
Quebec G1V 0A6 Canada

March 21, 2012

SUBMITTER: Rebecca Underwood, Parent / Guardian / Advocate

PREPARED FOR: House Appropriations Committee / Subcommittee on Commerce, Justice,
Science, and Related Agencies
Outside Witness Testimony

REGARDING: Department of Justice FY 2013 Budget / Civil Right Division

I wish to express my appreciation to the House Appropriations Committee / Subcommittee on Commerce, Justice, Science, and Related Agencies for this opportunity to submit written testimony for the record of the hearing on March 22, 2012 to consider FY 2013 appropriations for the United States Department of Justice, specifically relating to its request for \$5.1 million and 50 positions (25 attorneys) for the Civil Rights Division.

The Civil Rights Division has requested additional funds to strengthen civil rights enforcement, including enforcement of CRIPA (Civil Rights of Institutionalized Persons Act) as part of a Vulnerable People Priority Goal. I write to express my deep concern regarding DOJ activities under CRIPA/ADA/*Olmstead* enforcement resulting in the closure of intermediate care facilities for individuals with severe and profound developmental/intellectual disabilities against residents' choice. Federal tax dollars are currently being spent by DOJ under the guise of "civil rights enforcement" to undermine and dismantle a system of care for our most vulnerable citizens, those with severe and profound developmental/intellectual disabilities. In the process of "civil rights enforcement", DOJ, due to blatant disregard for the individual choice requirements of the Americans with Disabilities Act (ADA), is overriding individual civil rights.

My interest in this issue is as the mother and co-legal guardian of our son who due to profound neurological impairment occurring at birth, has functional abilities of a 4 – 12 week old infant despite his 32 chronological years. In addition to the profound neurological impairment due to subarachnoid hemorrhages, pulmonary hemorrhages impaired his respiratory functional status. He requires and receives 24/7 intensive skilled nursing care in a state owned and operated Medicaid-certified intermediate care facility for individuals with developmental disabilities (ICF/DD). This placement was not our only choice when we could no longer provide the intensive care our son requires but it definitely was and continues to be the best choice for our son. He has thrived in this setting beyond our wildest expectations. Our son will never walk, talk, roll over, be able to hold his own head up, speak a word or call me "momma" or even recognize me as his mother. He is medically fragile. His care needs are intensive. He is appropriately served by a highly trained, specialized team which will be difficult and extremely costly to duplicate in a smaller setting that DOJ favors.

The Department of Justice policies and actions work to eliminate the safe homes for vulnerable people like my son. Claiming that Medicaid-certified facilities (ICFs/DD) are "isolated" and

“segregated”, the Civil Rights Division commences investigations aimed at closure and elimination of this option of care for our most vulnerable loved ones.

Civil Rights Enforcement in Wisconsin

The DOJ descended upon Wisconsin to conduct “investigations” of 2 of our 3 state owned and operated facilities for people with developmental disabilities, including our son’s facility, under authority of CRIPA. Surprisingly, a whole year passed following the “investigations” without word from DOJ as to their findings despite the fact that DOJ had committed substantial resources to wide-ranging investigations of 2 major facilities – investigations that supposedly met the criteria for activity commencement under CRIPA. It was later learned that one of the initial DOJ consultants had written a favorable report of the conditions within our son’s facility. The report never surfaced and this consultant has never been used by the DOJ again.

The DOJ then requested to return to “assess progress” since the previous visit --- but with new consultants. These consultants produced the obligatory derogatory report alleging egregious and flagrant violations of residents’ civil rights. DOJ proposed – Wisconsin rejected – that the residents be transitioned out. Clearly DOJ’s goal was not merely to correct what DOJ defined as egregious and flagrant conditions and violations but to actually shut these facilities down.

Then, as now, parents and guardians were left out of the “investigations”. As one attorney from the civil rights division wrote regarding the request of Wisconsin families to be consulted and involved in the investigations: “There are many committed and commendable private organizations and individuals that have an important role in overseeing the care residents in institutions receive. However, their “participation” and “representation” in investigative tours is inappropriate.” Involving the parents and legal guardians of residents was “inappropriate” in the eyes of the DOJ. Parents were denied the right by the United States Department of Justice/ Civil Rights Division to be involved in the investigations of the alleged violations of their children’s civil rights!

We were stymied for years in our attempts to learn the nature of the complaints that prompted this wide-ranging investigation. It was NOT complaints from residents and their families, but instead from outside sources – agencies and organizations that continue to this day to advocate against the option of Medicaid certified and licensed congregate care facilities.

History appears to be repeating itself in how DOJ conducts CRIPA/*Olmstead*/ADA investigations. Bolstered by advocacy organizations that are also using federal funds to work to undermine and effect the elimination of the option of Medicaid-certified congregate care settings for our most vulnerable citizens, the DOJ is now seeking additional funds for the Civil Rights Division to strengthen civil rights enforcement as part of the Vulnerable People Priority Goal.

The DOJ’s Civil Rights Division is moving fast and furious in states across the country declaring that the civil rights of vulnerable persons who reside in ICFs/DD are being violated even though the legal guardians have carefully chosen an ICF/DD setting after much careful deliberation.

Misguided DOJ Olmstead/ADA enforcement policies which ignore and disregard individual choice regarding residential services are affecting and harming thousands of vulnerable people with severe and profound disabilities who function as infants and toddlers despite having the chronological age of adults.

The United States Supreme Court Justices were quite clear on the issue of individual choice in the *Olmstead* decision: "We emphasize that nothing in the ADA or its implementing regulations condones termination of institutional settings for persons unable to handle to benefit from community settings...Nor is there any federal requirement that community-based treatment be imposed on patients who do not desire it."

Civil Rights Enforcement in Georgia

In October 2010, DOJ reached a Settlement Agreement with the State of Georgia by which ALL individuals with developmental disabilities are required to transition out of their Medicaid – certified facilities against their choice. Families and legal guardians were not consulted or allowed to be involved in the development of the Agreement which is mandating the relocation of their vulnerable family members, individuals with the most severe and profound levels of developmental and intellectual disabilities. They are "vulnerable people".

When the Settlement Agreement with the state of Georgia was announced, the Assistant Attorney General for Civil Rights referred to the Agreement as a "template for *Olmstead* enforcement activities across the country". What this said to families across the country is that DOJ intends to force the closure of ALL ICFs/DD and force residents out against their choice into community based settings.

I support the option of community based residential settings and services for those who choose and can benefit from those settings. However, forced transitions to community based services and settings against choice, under the guise of "Olmstead enforcement", are in complete opposition to the actual ruling of the United States Supreme Court in *Olmstead*.

Civil Rights Enforcement in Arkansas

Following a multi-year CRIPA/ADA civil rights investigation, Arkansas defended the Conway Human Development Center in Conway, Arkansas, at trial in federal court in September 2010. The cost to Arkansas families and taxpayers to prevail in court was in excess of \$4 million. The costs incurred by DOJ in this grand defeat and borne by federal taxpayers in this misguided litigation is unknown.

Federal District Court Judge Leon Holmes, in his ruling dismissing the case, noted DOJ's complete disregard for family and guardian input:

"Most lawsuits are brought by persons who believe their rights have been violated. Not this one...All or nearly all of these residents have parents or guardians who have the power to assert the legal rights of their children or wards. Those parents and guardians,

so far as the record shows, oppose the claims of the United States. Thus the United States [Department of Justice] is in the odd position of asserting that certain persons' rights have been and are being violated while those persons – through their parents and guardians disagree."

Civil Rights Enforcement in Virginia

A Settlement Agreement has recently been reached between the DOJ Civil Rights Division and the Commonwealth of Virginia. If this Settlement Agreement is accepted by the Court, closure of ICFs/DD will result. Families, not permitted an opportunity for input, have been forced to file a Motion to Intervene to protect their loved ones from being displaced.

In Virginia, as in Georgia and my state of Wisconsin, parents and legal guardians who expressly opposed closure were ignored. The blatant disregard by the DOJ for the choice requirements of *Olmstead* cannot be allowed to continue.

Conclusion and Request

In ruling in *Olmstead*, the Supreme Court Justices interpreted the ADA to require choice. Current activities of the Department of Justice, operating out of public view and disregarding family and guardian involvement, to coerce states to cease operating programs (ICFs/DD) which provide life sustaining services for persons with lifelong, severe intellectual disabilities are not in the public interest. In light of budget realities we must ask if the best use of public dollars is the forced deinstitutionalization activities being carried out by the DOJ which run counter to the choice requirement of *Olmstead* which DOJ claims to be "enforcing" while displacing affected vulnerable people from their life sustaining services.

I refuse to believe it was the intention of the Supreme Court Justices in the *Olmstead* decision that DOJ would time after time, in state after state, decide that the civil rights of each and every resident of a state operated, Medicaid-certified ICF/DD are being violated simply because the resident or their legal representative has not chosen community based services. What is choice if there is no choice?

I respectfully request the Subcommittee to provide oversight and accountability of the DOJ in its *Olmstead* and ADA enforcement activities in which states are coerced into closing ICFs/DD, forcing vulnerable persons to be dislocated from their life sustaining services without regard to choice.

Our country has many pressing needs that DOJ is rightly focusing their resources on. The closure of Medicaid-certified ICFs/DD, displacing those who have the most severe and profound level of developmental and intellectual disability from their life-sustaining services, with complete disregard of individual choice, should not be considered one of them.

Please discontinue funding deinstitutionalization programs of the DOJ Civil Rights Division which, through a misguided and harmful agenda, denies choice, and is undermining and working to effect the elimination of a life sustaining option of care under the guise of “civil rights enforcement” for individuals with the most severe and profound developmental and intellectual disabilities.

Thank you for your consideration of my comments.

Rebecca Underwood
669 McCarthy Drive
Hartford, WI 53027

Rich Walter

From: "Rich Walter" <richwpics@verizon.net>
To: <CJ.Approp@mail.house.gov>
Sent: Monday, March 19, 2012 11:03 AM
Subject: NASA's Budget
Dear Sirs,

I am 69 years old and a long time member of The Planetary Society and have been following progress in our space endeavours since NASA's inception. If NASA fails in one area it is "tooting their own horn". The spinoffs alone from our space exploration efforts is enough to warrant continuing a strong effort. Are we to let countries like China command the higher ground of the Moon and Mars. This would be a potential fatal tactical error. I am sure they will plant their flag and not just for decoration as we did in July 1969.

Please do not decrease but increase NASA's budget to where it used to be which is a very small portion or the budget of the United States.

Respectfully submitted,

Richard A. Walter

richwpics@verizon.net

Robert H. Kettell
129 Elfreth's Alley
Philadelphia, PA 19106

March 18, 2012

House Appropriations Committee:

RE:: Priorities for the Nation's Space Program

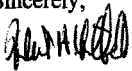
I am deeply troubled with the priorities reflected in NASA's FY13 budget. If implemented, it will portend grave consequences for our nation's ability to conduct deep-space science missions. Specifically, the disproportionate cut to the Planetary Science budget would force NASA to walk away from planned missions to Mars, to back out of international agreements with the European Space Agency, delay for decades any flagship missions to the outer planets, and radically slow the pace of scientific discovery, including the search for life on other worlds. I think this is the wrong direction for America's space program. The country needs more robotic space exploration missions, not fewer.

For the first time in human history, we have the tools available to directly test the hypothesis of whether there is, or has been, life on other worlds such as Mars or Europa. Such a discovery would be a seminal event in human history and would have a deep and profound impact on how we view our place in the Universe. We stand at the dawn of a similar period in which our knowledge and understanding of the Universe is poised to take another giant leap forward.

Today's budget environment is an opportunity to take stock of what's working and what's not working, and to adjust priorities. I am a strong supporter of robotic space exploration and a strong advocate for investments in technology. Specifically, I recommend reallocating approximately 3 percent from within NASA's total budget to bring the share for Science to at least 30 percent, and restoring the \$300 million cut to Planetary Science to fund it at \$1.5 billion. This modest rebalancing will allow NASA to fully implement the decadal survey for Planetary Science, send a mission to Mars and prepare for missions to the outer planets, while allowing NASA to continue a robust program of missions in Earth Science, Astronomy and Heliophysics.

I believe an increase in the share of the NASA budget for Science to 30 percent is the best place for the agency to make the most effective use of the taxpayers' money at this time and in today's budget environment. We are at the brink of the next revolution in scientific understanding. A great government will lead this pursuit and makes these investments because it will make a great difference to our society and to our children.

Sincerely,



Robert H. Kettell

Sea Grant Association

**Testimony for the Record
Dr. Jonathan Pennock
President, Sea Grant Association
Before the
Commerce-Justice-Science Appropriations Subcommittee
Committee on Appropriations
House of Representatives
Washington, D.C.
March 22, 2012**

Mr. Chairman and Members of the Subcommittee, my name is Jonathan Pennock and I am the Director of the University of New Hampshire Marine Program and the New Hampshire Sea Grant College Program. I am submitting this testimony in my capacity as President of the Sea Grant Association (SGA). The SGA appreciates very much the support the Congress has provided the National Sea Grant College Program over the years. Because of that support, Sea Grant has been able to deliver a number of quantifiable benefits to the residents of our ocean and coastal communities which are documented below. In that light, to continue to provide similar expected benefits to coastal residents in the future, the SGA recommends that NOAA be funded at the level recommended by the Friends of NOAA Coalition (\$5.3 billion) and that the National Sea Grant College Program within NOAA be funded in FY 2013 at \$69 million.

Recognizing the constraints in the budget process, this amount is \$18.5 million below the authorized level for FY 2013. While it represents an increase of \$6 million above the amount appropriated in the FY 2012 appropriations act, it is consistent with guidance provided in the conference report that accompanied the FY 2012 appropriation that said:

“the Committee recognizes the important role the Sea Grant program plays in connecting coastal and Great Lakes communities with practical research and results, and encourages the growth of this program in future budget requests.”

For more than 40 years, the National Sea Grant College program has worked to create and maintain a healthy coastal environment and economy. The Sea Grant network includes more than 30 programs based at top universities in every coastal and Great Lakes state, Puerto Rico, and Guam. The programs of the Sea Grant network work together to help citizens understand, conserve, and better utilize America’s coastal, ocean and Great Lakes resources. A partnership between universities and the federal government’s National Oceanic and Atmospheric Administration (NOAA), Sea Grant directs federal resources to pressing problems in local communities. By drawing on the experience of more than 3,000 scientists, engineers, public outreach experts, educators and students from more than 300 institutions, Sea Grant is able to make an impact at local and state levels, and serve as a powerful national force for change.

Sea Grant invests in high-priority research, addressing issues such as population growth and development in coastal communities; preparation and response to hurricanes, coastal storms and tsunamis; understanding our interactions with the marine environment; fish and shellfish farming; seafood safety; and fisheries management. The results of this research are shared with

Sea Grant Association

the public through Sea Grant's integrated outreach program, which brings together the collective expertise of on-the ground extension agents, educators and communications specialists. The goal is to ensure that vital research results are shared with those who need it most and in ways that are timely, relevant and meaningful.

The economic importance of the Nation's coastal communities

More than half of the nation's population lives in coastal watershed counties and this coastal population has increased by nearly 51 million people over the past 40 years. It is expected to grow by another 10% in the next decade. The coastal economy contributed \$8.3 trillion to the Nation's Gross Domestic Product resulting in 66 million jobs and wages worth an estimated \$3.4 trillion (NOAA 2009). Much of this economic activity comes from commercial fishing (estimated at \$4 billion per year and 1 million jobs), recreational fishing (estimated at \$73 billion per year and supporting more than 320,000 jobs), our nation's seaports (\$1.9 trillion worth of imports came through U.S. ports in 2010 supporting an estimated 13 million jobs), and coastal tourism (\$531 billion in 2010). Additionally, more than 50% of the total energy produced domestically occurred in coastal states including natural gas production, electricity generation, and oil and gas production. Coastal areas are providing opportunities for renewable energy development with projects that seek to extract energy from the movement of ocean water due to tides, currents, or waves; from the temperature differential between hot and cold ocean water; and from strong winds in offshore ocean environments.

Sea Grant's Contributions to the Economic Health of the Nation's Coastal Communities

According to data collected for the two-year (2009 and 2010) period by the National Sea Grant Office within NOAA, the Sea Grant program delivered the following benefits to the Nation:

- Nearly \$243M in direct economic benefits to the Nation, which represents nearly a 4 to 1 return on the federal investment;
- An estimated additional \$146 million in other Federal, state, and non-governmental resources was leveraged for research, extension, and other services to support the ocean and coastal enterprise;
- 144 new businesses were created, 1271 businesses were retained, and more than 8100 jobs were created or retained due to Sea Grant efforts;
- 768 communities across the nation have adopted more sustainable economic or environmental development practices and policies;
- More than 340 communities adopted hazard resiliency practices with Sea Grant assistance to make them better prepared to cope with or respond to hazardous coastal events;
- More than 5000 individuals or businesses received new certifications in HACCP (hazard analysis and critical control point) handling of seafood products, improving the safety of seafood consumption by Americans across the country;

Sea Grant Association

- More than 40,000 acres of degraded ecosystems were restored as a result of Sea Grant activities; and
- Sea Grant supported more than 1700 undergraduate and more than 1400 graduate students, and some 800,000 K-12 students were reached with information about marine and Great Lakes science and resources.

The National Sea Grant College program is one of the very few nationally competitive grant programs that can demonstrate this kind of real impact at the local, state and national levels.

Sea Grant Will Continue to Address the Economic and Environmental Position of America's Coastal Communities

Since its creation in 1966, the National Sea Grant College Program has been at the forefront of addressing economic opportunities and environmental issues facing coastal communities through its research and outreach efforts. For every Federal dollar provided for this program, between one and two additional non-Federal dollars are contributed by non-Federal entities, thus leveraging and extending the impact of the Federal investment. *With additional funding and guidance from Congress, Sea Grant could bolster its network resources and focus on preparing communities to better prepare for and recover from extreme events such as coastal storms or oils spills, or reversing the trend of working waterfront enterprise losses (such as fish harvesting/processing facilities and marinas), and advancing the coastal tourism industry in sustainable ways.*

Over the next five years, Sea Grant will concentrate effort in four areas: healthy coastal ecosystems; sustainable coastal development; a safe and sustainable seafood supply; and hazard resilience in coastal communities. These four interrelated focus areas emerged from the NOAA and program's strategic planning process as areas of critical importance to the health and vitality of the nation's coastal resources and communities. They respond to issues of major importance to NOAA, are consistent with the work of the NOAA coastal program integration effort, and are topical areas in which Sea Grant has made substantial contributions in the past and is positioned to make significant contributions in the future.

In each of the four focus areas, Sea Grant has identified goals to pursue and strategies designed to take advantage of its strengths in integrated research, outreach, and education, and its established presence in coastal communities. Understanding relationships and synergies across focus areas is vital to achieving the focus area goals. Sea Grant is one of many partners working to address these complex and interrelated issues. Understanding how activities in one area can support and complement other activities, and using partnerships to accomplish shared goals, are strategies inherent to Sea Grant, and will be central to achieving the goals outlined in the NOAA and program's strategic plan.

America must use its coastal resources wisely to sustain the health and productivity of coastal communities. With the requested Federal funding that will leverage significant state and local support, the National Sea Grant College Program will be uniquely positioned to continue its

Sea Grant Association

contributions to our coastal communities. As such, the Sea Grant Association requests \$69 million in Federal Sea Grant funding in FY2013.

Thank you for the opportunity to present these views. The SGA would be happy to provide answer questions or provide additional information to the Subcommittee.



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**Outside Witness Testimony from:
Society for Industrial and Applied Mathematics (SIAM)**

**Submitted by: Dr. Lloyd Nicholas Trefethen
President, Society for Industrial and Applied Mathematics (SIAM)
&
Dr. Reinhard Laubenbacher, Vice President for Science Policy, SIAM**

**Submitted to the Subcommittee on Commerce, Justice and Science
Committee on Appropriations,
United States House of Representatives
Washington, DC**

**Testimony on the Fiscal Year 2013 Appropriations
for the National Science Foundation**

March 19, 2012

Summary: This written testimony is submitted on behalf of the Society for Industrial and Applied Mathematics (SIAM) to ask you to continue your support of the National Science Foundation (NSF) in fiscal year (FY) 2013 by providing NSF with \$7.373 billion. In particular, we urge you to provide the request level for key applied mathematics and computational science programs in the Division of Mathematical Sciences and the Office of Cyberinfrastructure.

Full Statement:

We are submitting this written testimony for the record to the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the U.S. Senate on behalf of the Society for Industrial and Applied Mathematics (SIAM).

SIAM has approximately 13,000 members, including applied and computational mathematicians, computer scientists, numerical analysts, engineers, statisticians, and mathematics educators. They work in industrial and service organizations, universities, colleges, and government agencies and laboratories all over the world. In addition, SIAM has almost 500 institutional members, including colleges, universities, corporations, and research organizations.

First, we would like to emphasize how much SIAM appreciates your Committee's continued leadership on and recognition of the critical role of the National Science Foundation (NSF) and its support for mathematics, science, and engineering in enabling a strong U.S. economy, workforce, and society.

Testimony for the House Appropriations Committee – Commerce, Justice, Science Subcommittee (3/19/2012)--Page 1



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Today, we submit this testimony to ask you to continue your support of NSF in FY 2013 and beyond. In particular, we request that you provide NSF with \$7.373 billion, the level requested for this agency in the President's FY 2013 budget request.

As we are reminded every day, the nation's economic strength, national security, and public health and welfare are being challenged in profound and unprecedented ways. Addressing these challenges requires that we confront fundamental scientific questions. Computational and applied mathematical sciences, the scientific disciplines that occupy SIAM members, are particularly critical to addressing U.S. competitiveness and security challenges across a broad array of fields: medicine, engineering, technology, biology, chemistry, computer science, and others. SIAM recognizes the challenging fiscal situation, and notes that in the face of economic peril, federal investments in mathematics, science, and engineering remain crucial as they power innovation and economic growth upon which our economy and fiscal health depend.

National Science Foundation

NSF provides essential federal support for applied mathematics and computational science, including more than 60 percent of all federal support for basic academic research in the mathematical sciences. Of particular importance to SIAM, NSF funding supports the development of new mathematical models and computational algorithms, which are critical to making substantial advances in such fields as energy technologies, genomics, analysis and control of risk, and nanotechnology. In addition, new techniques developed in mathematics and computing research often have direct application in industry. Modern life as we know it – from search engines like Google to the design of modern aircraft, from financial markets to medical imaging – would not be possible without the techniques developed by mathematicians and computational scientists. NSF also supports mathematics education at all levels, ensuring that the next generation of the U.S. workforce is appropriately trained to participate in cutting-edge technological sectors and that students are attracted to careers in mathematics and computing.

Below are highlights of the main budgetary and programmatic components at NSF that support applied mathematics and computational science.

NSF Division of Mathematical Sciences

The NSF Division of Mathematical Sciences (DMS) in the Directorate for Mathematical and Physical Sciences (MPS) provides the core support for all mathematical sciences. DMS supports areas such as algebra, analysis, applied mathematics, combinatorics, computational mathematics, foundations, geometry, mathematical biology, number theory, probability, statistics, and topology. In addition, DMS supports national mathematical science research institutes; infrastructure, including workshops, conferences, and equipment; and postdoctoral, graduate, and undergraduate training opportunities.

The activities supported by DMS and performed by SIAM members, such as modeling, analysis, algorithms, and simulation, provide new ways of obtaining insight into the nature of complex

Testimony for the House Appropriations Committee – Commerce, Justice, Science Subcommittee (3/19/2012)–Page 2



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phenomena, such as the power grid, software for military applications, the human body, and energy efficient building systems. ***SIAM strongly urges you to provide DMS with the budget request level of \$245.0 million to enable sustained investment by NSF in critical mathematical research and related mathematical education and workforce development programs.***

In particular, investment in DMS is critical because of the foundational and cross-cutting role that mathematics and computational science play in sustaining the nation's economic competitiveness and national security, and in making substantial advances on societal challenges such as energy, the environment, and public health. NSF, with its support of a broad range of scientific areas, plays an important role in bringing U.S. expertise together in interdisciplinary initiatives that bear on these challenges. DMS has traditionally played a central role in such cross-NSF efforts, with programs supporting the interface of mathematics with a variety of other fields, such as geosciences, biology, cybersecurity, and solar energy.

SIAM supports DMS's participation in the several new NSF-wide initiatives, including Cyber-enabled Materials and Manufacturing for Smart Systems (CEMMSS), which would support partnerships between mathematical scientists, computer scientists, physical scientists, and engineers to develop computational tools for transforming materials discovery to power our manufacturing base and help advance myriad technologies. In addition, SIAM continues to support DMS's role in enabling interdisciplinary work through participation in the Research at the Interface of Biological, Mathematical, and Physical Sciences (BioMaPS) initiative, which supports research in mathematical and computational biology to expand our understanding of biological processes and inspire potentially transformative new technologies for manufacturing and energy.

NSF Office of Cyberinfrastructure

Work in applied mathematics and computational science is critical to enabling effective use of the rapid advances in information technology and cyberinfrastructure. Programs in the NSF Office of Cyberinfrastructure (OCI) focus on providing research communities access to advanced computing capabilities to convert data to knowledge and increase our understanding through computational simulation and prediction.

SIAM strongly urges you to provide OCI with the budget request level of \$218.3 million to invest in the computational resources and science needed to solve complex science and engineering problems. In addition, SIAM strongly endorses OCI's efforts to take on the role of steward for computational science across NSF, strengthening NSF support for relevant activities and driving universities to improve their research and education programs in this multidisciplinary area.

The programs in OCI that support work on software and applications for the next generation of supercomputers and other cyberinfrastructure systems are very important to enable effective use of advances in hardware, to facilitate applications that tackle key scientific questions, and to



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better understand increasingly complex software systems. SIAM strongly supports the proposed increase in funding for OCI data activities, including data infrastructure, tools, and repositories. The explosion in data available to scientists from advances in experimental equipment, simulation techniques, and computer power is well known, and applied mathematics has an important role to play in developing the methods and tools to translate this shower of numbers into new knowledge.

SIAM continues to support the agency-wide initiative Cyberinfrastructure Framework for 21st Century Science and Engineering (CIF21). This program works to develop comprehensive, integrated, sustainable, and secure cyberinfrastructure to accelerate research and capabilities in computational and data-intensive science and engineering.

Supporting the Pipeline of Mathematicians and Scientists

Investing in the education and development of young scientists and engineers is a critical role of NSF and a major step the federal government can take to ensure the future prosperity and welfare of the U.S. Currently, the economic situation is negatively affecting the job opportunities for young mathematicians at universities, companies, and other research organizations. It is not only the young mathematicians who are not being hired that suffer from these cutbacks. The research community at large suffers from the loss of ideas and energy that these graduate students, postdoctoral fellows, and early career researchers bring to the field and the country suffers from the lost innovation.

In light of this situation, SIAM strongly supports NSF's proposed FY 2013 increases in the Graduate Research Fellowship (GRF) program and the Faculty Early Career Development (CAREER) program. The GRF program would receive \$243 million, which would support 2,000 new graduate student awards. The CAREER program would receive \$216 million and would support an additional 40 CAREER awards, totaling 440 new awards for FY 2013 if funded.

Before reaching the graduate and early career stage, young mathematicians and scientists gain critical interests and skills as undergraduates. SIAM supports efforts by NSF to improve undergraduate science, technology, engineering, and mathematics (STEM) education, and notes the key role that mathematicians play in training for these fields. As interdisciplinary research questions become increasingly central to scientific progress, students need early exposure to research experiences and interdisciplinary challenges. SIAM supports the newly proposed Expeditions in Education (E²) initiative, which will better link NSF research and education activities to enable hands-on learning for students on cutting-edge systems and challenges across disciplines.



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Mathematics and International Science and Engineering

Science knows no borders, and nowhere is this more true than in mathematics. Mathematical research typically advances through the close collaboration of small groups of researchers, without the need for expensive equipment and using universal mathematical notation to minimize language obstacles. In addition, mathematics, as an enabling discipline for all of science and technology, and as a foundation for science education, plays a key role in addressing many of the most challenging problems that the world faces, such as infectious disease and sustainable energy generation. International scientific cooperation is not just good science, however; it can also foster understanding and goodwill between societies more broadly. Mathematical and scientific activities can aid in promoting United States international policy goals by building relationships and trust with other countries, enhancing the global image of America, and spurring global development.

SIAM believes strongly in the federal government's support of international science and technology initiatives that help advance U.S. foreign policy and security, including cooperative research programs that further scientific knowledge applicable to major societal challenges, promote development of research and education capabilities abroad, and introduce U.S. students to global issues and collaborative relationships.

Conclusion

We would like to conclude by thanking you again for your ongoing support of NSF that enables the research and education communities it supports, including thousands of SIAM members, to undertake activities that contribute to the health, security, and economic strength of the U.S. NSF needs sustained annual funding to maintain our competitive edge in science and technology, and therefore we respectfully ask that you continue robust support of these critical programs by providing \$7.373 billion for NSF in FY 2013.

We appreciate the opportunity to provide testimony to the Committee on behalf of SIAM. SIAM looks forward to providing any additional information or assistance you may ask of us during the FY 2013 appropriations process.



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**Official Written Testimony for programs under the National Oceanic and
Atmospheric Administration (NOAA) for Fiscal Year 2013**

Submitted To:

**Subcommittee on Commerce, Science, Justice and Related Agencies
Committee on Appropriations, United States House of Representatives**

Submitted By:

**The Nature Conservancy
Kameron L. Onley, US Marine Policy Director
March 20, 2012**

Thank you for the opportunity to offer comments on the Fiscal Year 2013 appropriations for the National Oceanic and Atmospheric Administration (NOAA). The Nature Conservancy (Conservancy) is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to conserve the lands and water upon which all life depends.

As the nation enters the FY 2013 budget cycle and another year of fiscal challenges, the Conservancy recognizes the need for fiscal austerity and stresses our concern that the natural resource stewardship programs should not shoulder a disproportionate share of cuts in this budget.

Our recommendations this year do not exceed the President's budget request except in cases in which the ocean and coastal programs have borne a severely disproportionate cut and will result in the inability for NOAA to meet its critical stewardship mandates. Moreover, as a science-based and business-oriented organization, we believe strongly that the budget levels we support represent a prudent investment in our country's future that not only help NOAA achieve their most critical missions by catalyzing local and regional action, but will also reduce risks and ultimately save money based on tangible economic and societal benefits natural resources provide each year to the American people.

Fisheries Management The 2007 amendments to the Magnuson-Stevens Fisheries Conservation and Management Act (MSFCMA) were intended to end overfishing in the United States and reduce destructive fishing practices in U.S. waters. Further, it included new provisions that create mechanisms for communities to engage in conservation efforts while securing the contribution of marine fisheries to their local economies. NOAA Fisheries, in implementing the MSFCMA, has made important strides in addressing these challenges and strengthening fisheries management; however, much more needs to be done. To recover fish stocks so that they provide food and jobs to struggling fishermen now and in the future, we need to recover overfished stocks, reduce destructive fishing practices, restore coastal habitats that produce fish, and support the efforts of fishermen and local communities that depend on fishing. The following NOAA programs are essential to achieving healthy coastal habitats and continued robust fisheries management.

Fisheries Habitat Restoration.¹ Marked by the President's FY2013 request, we are increasingly concerned that NOAA views investment in habitat restoration subordinate to more traditional fisheries management undertakings. As the Gulf oil spill made tragically clear, healthy coastal habitats are essential to the economic and social well-being of coastal residents as well as others throughout the nation that rely on coastal communities for commerce, food and recreation. Coastal wetlands and nearshore waters produce the fish and shellfish that feed America. Furthermore, salt marshes, oyster reefs, seagrass meadows and coral reefs help to prevent erosion and protect our communities from storm surges. Since 2001, The Nature Conservancy and NOAA have partnered through the Community-based Restoration program (funded under the Fisheries Habitat Restoration line along with the Open Rivers Initiative) to restore the health of degraded habitats in places and ways that benefit not just local marine life, but communities and coastal economies as well.

Through the 124 community-based projects supported in the first decade of this partnership, NOAA and the Conservancy have helped protect vital coastal and marine habitat, restore species that keep coastal systems healthy, remove invasive species, create shellfish spawning sanctuaries and re-establish water flows to estuaries. Beyond the environmental benefits, these projects have shown that restoration pays off for coastal communities, producing jobs for direct restoration work and supporting coastal communities through increased fish production. A recent economic analysis of oyster reef restoration in the Northern Gulf of Mexico provided compelling evidence for such claims, finding that two reefs totaling 3.6 miles would increase economic output of commercial finfish and crab landings by \$35,000 per year; cut wave height and energy significantly, reducing shoreline erosion and associated damages to private property and public infrastructure; and remove up to 4,160 pounds of nitrogen per year from Bay waters.²

Through our on-the-ground experience we recommend \$22 million for the Fisheries Habitat Restoration in FY2013. Moreover, we request that no less than \$9 million should be made available for competitive cooperative agreements through the Community-based Restoration Program (CRP). Additional funding beyond cooperative agreements and program administration of CRP should be dedicated to the Open Rivers Initiative.

National Catch Share Program. Catch Shares give participating fishermen a stake in the benefits of a well-managed fishery and align the incentives for resource stewardship with the natural incentive for fishermen to increase their earnings with a sustainable business model. Transition to these systems is difficult and getting the design and implementation of these new catch share programs right, including provisions to engage fishing communities, is critical. The Conservancy supports the President's FY2013 Budget request of \$28 million for the National Catch Share Program.

Annual Stock Assessments. The MSA mandated annual catch limits be in place in all fisheries to prevent overfishing by 2011. While this milestone has been achieved, there is room for continued improvement in fishery data collection and stock assessments. Adequate stock

¹ Relocated in NOAA's FY13 bluebook under "Habitat Management and Restoration"

² Kroeger, Timm (2012). "Oyster Reef Restoration in the Northern Gulf of Mexico: Ecosystem Services, Economic Benefits and Impacts, and Opportunities for Disadvantaged Coastal Communities." The Nature Conservancy.

assessments are essential for the sound management of fisheries and the sustainability of fishing resources. The Conservancy supports the President's FY2013 Budget request of \$69 million for annual stock assessments.

Pacific Coastal Salmon Recovery Fund. The Pacific Coast Salmon Recovery Fund (PCSRF) is the most critical federal program addressing major threats to Pacific salmon so that these fish can continue to sustain culture, economies, recreation and ecosystem health. This federal funding source is tailored for each state, competitively awarded based on merit, and has funded hundreds of successful, on-the-ground salmon conservation efforts. PCSRF invests in cooperative efforts to conserve species under the National Marine Fisheries Service Jurisdiction and projects are matched at a 3:1 ratio (federal/non federal) and have resulted in significant progress in protecting and restoring salmon across their range. Notably, the PCSRF has catalyzed thousands of partnerships among federal, state, local, tribal governments, conservation, business, and community organizations. The Conservancy urges sustaining at least \$65 million for the competitive and proven PCSRF grants program.

Species Recovery Grants. Through this program, NMFS provides grants to states to support conservation actions that contribute to recovery or have direct conservation benefits for listed species, recently de-listed species, and candidate species that reside within that state. We support the President FY2013 Budget's request for \$4.8 million.

Ocean Services Over the years and across many sites, NOAA has been an invaluable partner to the Conservancy. NOAA programs that provide practical, community-oriented approaches to restoration, resource management and conservation are natural fits for the Conservancy's mission. The Coastal Services Center and National Estuarine Research Reserve programs educate hundreds of local community officials and practitioners on better ways to apply tools and science. In addition, NOAA's data, research and monitoring of coastal and marine systems directly provide data and decision-support tools that inform the safe operations of industry, prioritize habitats for restoration, and advance science-based management decisions. The following funding recommendations highlight critical programs that support productive coastal communities and healthy coastal and marine environments.

Coral Reef Conservation Program. The decline of coral reefs has significant social, cultural, economic, and ecological impacts on people and communities in the United States and around the world. The Conservancy works with NOAA's Coral Reef Conservation Program under a competitively awarded, multi-year cooperative agreement to address the top threats to coral reef ecosystems: climate change, overfishing, and land-based sources of pollution. Together we develop place-based strategies; develop resilient marine protected area networks; measure the effectiveness of management efforts; and build capacity among reef managers at the global scale. NOAA has undertaken a coral reef conservation priority setting exercise in all seven of the U.S. jurisdictions with coral reef resources. The Conservancy supports the President's FY2013 Budget request of \$27 million to provide funding to support implementation of these conservation priorities, including more comprehensive mapping and data compilation and analysis on cold water corals in U.S. waters.

Coastal and Estuarine Land Conservation Program. Created by Congress in 2002 and formally authorized in 2009, the Coastal and Estuarine Land Conservation Program (CELCP) program has helped preserve approximately 45,000 acres of America's most important coastal areas. All federal funding for CELCP is leveraged by at least an equal amount of state, local and private investments. There is significant demand for coastal conservation that is not being met. In the last several years, NOAA has identified and vetted more than \$270 million in coastal projects that are eligible for CELCP program funding. The FY13 President's Budget request recommends the removal of all funds for CELCP. The Conservancy recommends including the FY2012 enacted level of \$3 million in the budget to minimally support a program that utilizes both acquisition and conservation easements to protect coastal and estuarine lands considered important for their ecological, conservation, recreational, historical or aesthetic values.

Regional Ocean Partnerships. The funding would provide support to implement priority actions identified by existing and developing Regional Ocean Partnerships including the Northeast Regional Ocean Council, the Mid-Atlantic Regional Council on Oceans, the South Atlantic Alliance, the Gulf of Mexico Alliance, the West Coast Governors' Agreement on Ocean Health, and the Council of Great Lakes Governors. These multi-state collaborations originated to address regional priorities such as habitat conservation and restoration, energy siting, coastal resilience to severe storms, coastal water quality, and regional data and science needs. Additional funding should be provided to support state and regional engagement in the development of marine planning, including stakeholder processes and consensus building tools, analysis of data and information, and facilitation of broad public participation in the planning process. The Conservancy urges at least \$4 million to advance vital regional ocean and coastal priorities.

National Estuarine Research Reserve System. The National Estuarine Research Reserve System (NERRS) partners with states and territories to ensure long-term education, stewardship, and research on estuarine habitats. Atlantic, Gulf, Pacific, Caribbean and Great Lakes reserves advance knowledge and stewardship of estuaries and serve as a scientific foundation for coastal management decisions. This unique site-based program contributes to a systemic research, education and training on the nation's estuaries. The Conservancy recommends including the FY2012 enacted level of \$22 million in the budget.

National Marine Sanctuaries Program. National marine sanctuaries support economic growth and hundreds of coastal businesses in sanctuary communities; preserve vibrant underwater and maritime treasures for Americans to enjoy; and provide critical public access for ocean recreation, research, and education. Investment in these sites do more than simply protect small areas of the ocean, putting a down payment for the many Americans whose livelihoods are dependent on a healthy ocean and coasts. The Conservancy supports the President's FY2013 Budget request of \$47 million.

Thank you for this opportunity to share with the Committee the Conservancy's priorities in NOAA's FY2013 budget. We would be pleased to provide the Committee with additional information on any of the Conservancy's activities described here or elsewhere. Please contact Kameron Onley (703-841-4229, konley@tnc.org) if you have questions on which we might be of assistance.

**Testimony of the
University of California
Steven Beckwith, Vice President for Research and Graduate Studies**

**Regarding the National Science Foundation
FY 2013 Budget Request**

**To the
United States House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
March 22, 2012**

The University of California (UC) supports the President's budget request of \$7.373 billion for the National Science Foundation (NSF) in FY 2013. This would represent an increase of \$340 million or 4.8 percent above the FY 2012 enacted level, keeping NSF on a path to double its budget as envisioned in the President's Plan for Science and Innovation and as authorized by the America COMPETES Reauthorization Act of 2010.

UC recognizes that these are challenging economic times and policymakers will have to make a number of difficult decisions throughout the FY 2013 budget process. The University believes it is critical that our country continue to make strong investments in education and research that allow academic institutions, like UC, to continue to educate the next generation of workers and advance scientific discoveries that will keep California and the nation at the forefront of innovation and economic development.

The 10-campus University of California system is one of the world's leading academic research enterprises. UC's graduate students, postdoctoral scholars, faculty, and professional research staff are among the best in the world at creating new knowledge through basic research, developing technologies that produce new industries, and training the next generation of innovative thinkers. Almost all of the industries in which California is a leader – biotechnology, telecommunications, digital media, computers and semiconductors, and environmental technologies – grew out of university-based research.

NSF is the federal government's only agency dedicated to the support of education and fundamental research in all scientific and engineering disciplines. With the NSF as a key partner, UC is tackling some of our nation's greatest challenges across the scientific spectrum. The University of California contributes to economic growth, creates jobs, pursues research that leads to new industries and companies, and educates our future workforce. UC consistently earns two to three times more NSF support than any other university system in the nation. UC faculty, researchers, and students successfully competed for more than 2,350 research and training awards in FY 2011, totaling \$507 million. This support is critical to helping UC to fulfill its research and education missions.

Across the nation NSF funds about 20 percent of all merit-based university research in every scientific and engineering discipline. At UC, NSF provides one-sixth of the total federal support the University receives for research. These awards support research of particular importance to California, including projects in the area of earthquake preparedness and efforts to better understand and protect California's environment. NSF funding continues to encourage research in critical technological areas like nanotechnology, computer science, and biotechnology that help the state maintain its status as a high-tech leader.

NSF research funding is especially important to young investigators. More than forty percent of federal research awards for junior faculty in the science, technology, engineering, and mathematics (STEM) fields at UC's nine general campuses come from NSF. This represents the single largest source of extramural support for these junior faculty in the STEM fields. NSF also develops early career faculty through programs aimed at enabling campuses to recruit, retain, and advance junior faculty, including more women and underrepresented minority faculty in the STEM fields. These programs help support the nation's best and brightest scientists and engineers at the formative stages of their careers.

In addition to the significant role NSF plays in supporting research, the agency also plays a critical role in science, technology, engineering, and mathematics (STEM) education. To assure the continued strength of the nation's research capabilities, NSF supports teacher-training research and development programs that are improving math and science education in K-12 schools. Several UC campuses, with support provided by NSF's Transforming Undergraduate Education in STEM (TUES) program, are also engaging in efforts to create and implement more effective learning materials and teaching methods to improve undergraduate learning and completion rates in the STEM fields.

NSF helps encourage and develop UC students who will be the next generation of scientists and innovators through the Research Experiences for Undergraduates (REU) program and research internships at NSF-funded science and technology centers. The Foundation is also a significant source of compensation for graduate students and postdoctoral researchers. Hundreds of UC graduate students are supported each year by NSF through programs such as the Graduate Research Fellowship Program (GRFP) and the Integrative Graduate Education Traineeship (IGERT) program.

But an even larger impact on the education of UC researchers can be observed by examining the compensation that is paid to graduate students and postdoctoral researchers through NSF-sponsored research at UC. In the University's last fiscal year (2010-2011), 3,800 graduate students and 1,050 postdoctoral researchers were employed on NSF-sponsored research projects at all ten UC campuses, which represents 12 percent of the NSF's investments at UC during that period. So clearly, a significant portion of NSF funding received by the University of California on an annual basis – beyond other specialized STEM training programs – goes directly to the training of scientists.

NSF sponsors the work of educators, researchers, and students at UC and across the nation who are solving important scientific and technical challenges, building future economic growth with technological breakthroughs, devising better ways to teach science and math, and pushing back

the frontiers of fundamental science through curiosity-driven research. The President's FY 2013 budget request for NSF provides support for these areas of critical need for our nation.

The University appreciates the fiscal constraints facing the nation and the difficult decisions associated with allocating limited financial resources among federal agencies. Given NSF's role as the sole federal agency dedicated to supporting education and fundamental research in all scientific and engineering disciplines, UC strongly supports continued and increased investment in NSF.

Outside Witness Testimony

**Submitted to the Subcommittee on Commerce, Justice and Science, and Related Agencies
Committee on Appropriations, U.S. House of Representatives**

**Regarding FY 2013 Funding for the National Oceanic and Atmospheric Administration (NOAA)
Office of Oceanic and Atmospheric Research (OAR)**

March 22, 2012

**Susan Avery, President and Director
Woods Hole Oceanographic Institution**

**Phil DiStefano, Chancellor
University of Colorado Boulder**

**Anthony D. J. Haymet
Vice Chancellor, Marine Sciences
Director, Scripps Institution of Oceanography
University of California San Diego**

**Glenn M. MacDonald
University of California Presidential Chair and Director
UCLA Institute of the Environment and Sustainability**

**Michael J. Prather
Director, The UCI Environment Institute
Fred Kavli Chair and Professor of Earth System Science
University of California Irvine**

We write today to urge you to support the President's FY 2013 Budget Request of \$413.8 million for the National Oceanic and Atmospheric Administration's (NOAA) Office of Oceanic and Atmospheric Research (OAR), which supports some of the nation's most critical environmental research. Within OAR, We particularly support the Competitive Research, Sustained Observations and Regional Information program, which facilitates the production of regional, national, and global weather and water outlooks. The President's budget request of \$146.3 million for this program would restore the 20 percent cut it sustained in FY 2012.

NOAA Office of Oceanic and Atmospheric Research (OAR)

NOAA OAR funding supports research that increases the effectiveness of observations, monitoring, and modeling to help states manage their infrastructure, agricultural resources, fisheries, water resources, and natural disaster planning and response. Past research has focused on forecasting large storm events, seasonal wildfire forecasts, assessing local impacts of projected sea-level rise, improving seasonal precipitation forecasts to improve dam management for both flood control and water storage, and forecasting energy demand scenarios.

OAR funding also supports eighteen Cooperative Institutes. These are located across twenty-one states, Puerto Rico, and the Virgin Islands and are affiliated with forty-eight universities and research institutions. The Cooperative Institutes are partnerships that benefit the nation by leveraging the unique strengths of NOAA and universities and research institutions in areas ranging from satellite

climatology and fisheries biology to atmospheric chemistry and coastal ecology. In addition to facilitating long-term, substantive research collaboration, the Cooperative Institutes facilitate the training of the nation's next generation of both NOAA's and the nation's scientific workforce. These cooperative entities—already strained by FY 2012 budget cuts—are the very type of innovative partnerships the federal government should be promoting. Given the value of the Cooperative Institutes, further reductions to NOAA's research budget would have negative implications that extend far beyond any near-term budget savings.

In addition, some of NOAA's laboratories that support Cooperative Institutes and which are, in part, supported through OAR funds—such as the Geophysical Fluid Dynamics Laboratory in New Jersey, the Earth Systems Research Laboratory in Colorado, the Pacific Marine Environmental Laboratory in Washington, the Atlantic Oceanographic and Meteorological Laboratory in Florida, the Great Lakes Environmental Research Laboratory in Michigan, and the National Severe Storms Laboratory in Oklahoma—risk staff reductions and reduced research effectiveness as a result of budget cuts in NOAA's research portfolio.

Competitive Research, Sustained Observations and Regional Information

While OAR sustained a 10 percent cut in funding in FY 2012 from FY 2011 levels, the Competitive Research, Sustained Observations and Regional Information program carried a disproportionate amount of that burden with a 20 percent cut from FY 2011 levels. The President's Budget Request would restore this program's funding to ensure continued support of critical science aimed at understanding the impact of atmospheric, oceanic, land-based, snow and ice processes on climate.

This competitive climate research program funds grant activities focused on climate observation and monitoring; earth system science; modeling, analysis, predictions, and projections; and climate and societal interactions. These programs not only fund important research in these areas, but they also support unique tools such as observational instruments, data and information sets, and assessment teams. These measure key climate factors such as temperature, precipitation, runoff, and soil moisture, and contribute to regional decision-making across the United States to facilitate responses to climate variability and change.

Conclusion

Research that stems from NOAA's OAR budget has real and positive impacts on the nation's well being, allowing us to prepare for the impacts of shifts in weather, water supplies and storms. Just some examples of the research areas that could be negatively impact from further reductions include:

- Forecasting of hurricanes and El Niño-Southern Oscillation events;
- Real-time sea level measurements used for tsunami warning systems;
- Storm surge monitoring; and
- Provision of data for early drought warning systems used by water and natural resource managers in the Colorado River Basin, California, and the shared watershed of Georgia, Alabama, and Florida.

Even in this fiscally constrained environment, the nation must continue to invest in climate research, observations, monitoring, and modeling. We urge you to support the President's FY 2013 Budget Request for NOAA OAR research at \$413.8 million, and the competitive climate research program at \$146.3 million. Funding at this level will enable the nation's research institutions to continue their long and proud history of partnering with NOAA, industry, and other government agencies to provide the nation with useable atmospheric and oceanographic data to help plan for and respond to the impacts of climate variability and change.

Thank you for your consideration of this testimony.



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March 15, 2012

Organization Submitting Testimony:

VOR, Speaking out for people with intellectual disabilities
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Testimony Prepared For:

House Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies

Regarding:

Department of Justice FY 2013 Budget Request / Traditional Missions / \$31.8 million in Program Interests, including \$5.1 million and 50 positions (25 attorneys) for the Civil Rights Division

PROTECTING THE INTERESTS OF RESIDENTS OF INTERMEDIATE CARE FACILITIES FOR PERSONS WITH INTELLECTUAL DISABILITIES IN ACTIONS CONDUCTED BY THE DEPARTMENT OF JUSTICE'S CIVIL RIGHTS DIVISION THAT AFFECT THEIR CHOICE OF RESIDENCY

VOR, a national advocacy organization for people with intellectual disabilities (ID/DD) and their families express gratitude to the Subcommittee on Commerce, Justice, Science and Related Agencies for this opportunity to submit testimony for the record of the hearing on March 22, 2012 in consideration of the Department of Justice's FY 2013 request for appropriations, specifically relating to its request for \$5.1 million and 50 positions (25 attorneys) for the Civil Rights Division.

VOR's members look forward to working with Representatives and their staff to ensure the civil rights of our most fragile citizens with ID/DD.

Request that DOJ Meet its Choice Obligations under the Americans with Disabilities Act (ADA) in DOJ Actions Involving ICFs/ID

To protect the interests of the residents of ICFs/DD and their families to be the primary decision-makers regarding where they reside, in response to the blatant and repeated disregard of the ADA requirement for individual choice of residency by the DOJ's Civil Rights Division, VOR requests that the Subcommittee include the following language in the DOJ Civil Rights Division appropriations:

- (1) In any action taken by the Department of Justice, including investigations, that involves the residents of an ICF/ID, DOJ shall consult with the residents (or, if a

resident has a legal representative, the resident's legal representative) and families among all other interested parties before taking action.

- (2) If, after taking action, families wish to intervene on behalf of their family member with ID/DD in the DOJ action, DOJ is encouraged to support such intervention.

About VOR

VOR is a national advocacy organization representing individuals with intellectual disabilities (ID/DD) and their families. VOR has thousands of members across the country, with representation in every state. Unlike other national advocacy organizations, VOR recognizes that individuals with ID/DD and their families are the primary decision-makers regarding services and supports. We recognize that legitimate choice and person-centered supports are only possible in a system that offers a full array of quality residential and support options, from small homes to Medicaid-funded and licensed Intermediate Care Facilities for Persons with Intellectual Disabilities (ICFs/ID).

Rationale: DOJ's Civil Rights Division has routinely ignored *Olmstead's* choice mandate.

For FY 2013 United States Department of Justice (DOJ) has requested an additional 25 attorneys and \$5.1 million to enable the DOJ's Civil Rights Division to, among other activities, "strengthen civil rights enforcement efforts" as part of the Attorney General's ***Vulnerable People Priority Goal***. A portion of the requested increase will reportedly allow the Civil Rights Division to increase its enforcement of the Civil Rights of Institutionalized Persons Act (CRIPA). Presumably any additional funds and attorneys, in part, would also be applied to the Civil Rights Division aggressive enforcement of *Olmstead*. According to a recent statement by Tom Perez, Assistant Attorney General for Civil Rights:

The agreement with the Commonwealth [of Virginia] is part of a broad, nationwide effort to enforce the *Olmstead* decision. In the last three years, the Civil Rights Division has joined or initiated litigation to ensure community-based services in more than 35 matters in 20 states. We reached comprehensive agreements with the states of Georgia and Delaware that, like the agreement with Virginia, provide broad relief for thousands of individuals with disabilities. (Tom Perez, "*Department of Justice Transformative Olmstead Settlement*," February 6, 2012).

In DOJ actions in Virginia, Georgia, Illinois, Arkansas and other states, the legal "relief" for the affected individuals sought or supported by the Civil Rights Division has been the displacement of fragile individuals from life-sustaining, federally-licensed supports ("deinstitutionalization") without regard to choice and with little apparent concern for outcomes. These actions to enforce *Olmstead* are expressly contrary to the Supreme Court's decision¹:

¹ VOR contends that DOJ actions to close ICFs/DD contrary to resident choice also violates the federal Medicaid law which requires that ICF/DD residents be informed of alternatives under the home and

“We emphasize that nothing in the ADA [Americans with Disabilities Act] or its implementing regulations condones termination of institutional settings for persons unable to handle or benefit from community settings...Nor is there any federal requirement that community-based treatment be imposed on patients who do not desire it.” 527 U.S. 581, 601-02(1999) (see also, Justice Kennedy’s concurring opinion, “It would be unreasonable, it would be a tragic event, then, were the Americans with Disabilities Act of 1990 (ADA) to be interpreted so that states had some incentive, for fear of litigation to drive those in need of medical care and treatment out of appropriate care and into settings with no assistance and supervision”).

Specifically, the Supreme Court held that community placement is only required when -

- a. The State’s treatment professionals have determined that community placement is appropriate;
- b. The transfer from an institutional setting to a less restrictive setting is not opposed by the affected individual**
- c. The placement can be reasonably accommodated, taking into account the resources available. Id. at 587 (**emphasis added**).

Increased funding for CRIPA or ADA enforcement for deinstitutionalization activities will undoubtedly result in expanded DOJ legal activities to undermine and ultimately eliminate the option of Medicaid-certified ICFs/DD.

Families and legal guardians of our country’s most vulnerable people with severe and profound ID/DD, who function at the level of infants and toddlers despite having the chronological age of adults, have strong objections to DOJ’s Civil Rights Division’s activities to “enforce the *Olmstead* decision.” Routinely, DOJ fails to seek or consider the input or protestations of the very individuals who have the greatest insights into the needs and desires of the affected individuals:

“... close relatives and guardians, both of whom likely have intimate knowledge of a mentally retarded person’s abilities and experiences, have valuable insights which should be considered during the involuntary commitment process.” *Heller v. Doe*, 509 U.S. 312 (1993)

community-based services waiver and be given the choice of either ICF/DD or home and community-based services waiver supports. 42 C.F.R. 441.302(c).

"Individuals with developmental disabilities and their families are the **primary decisionmakers** regarding the services and supports such individuals and their families receive and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families." DD Act, 42 U.S.C. 15001(c)(3)(1993) (*Findings, Purposes and Policies*) (**emphasis added**).

The following examples exemplify the Civil Rights Division's blatant disregard for *Olmstead*'s choice requirements:

A) U.S. v. Georgia

A Settlement Agreement reached between the United States Department of Justice / Civil Rights Division with the State of Georgia in October 2010, prohibits the admission of any individual with a developmental disability to a state hospital (ICFs/ID) by July 1, 2011 **and** requires the transition of ALL individuals with developmental disabilities already living in State ICFs/ID to community settings by July 1, 2015. Affected individuals were not afforded any choice and families and legal guardians expressly opposed the settlement: "[I]f everyone is forced to accept community living, then no one has choice." (Resolution of the East Central Georgia ICF/ID Family Association Opposing Settlement Agreement, November 30, 2010).

Predictably, the one-year implementation report by the court-appointed Independent Reviewer has found problems associated with the health and safety of displaced residents with regard to access to health care, medication, nutrition, and safety. Reportedly, there have been at least four deaths.

B) U.S. v. Virginia

A January 2012 Settlement Agreement between DOJ and the Commonwealth of Virginia continues to display the ideological agenda of the DOJ's Civil Rights Division in its relentless effort to eliminate the option of Medicaid-certified ICFs/DD. If approved by the court, it will result in the closure of four public ICFs/DD. Families who had no meaningful opportunity to provide input to settlement terms but who expressly opposed closures were not listened to. A Motion to Intervene on behalf of residents of all Virginia ICFs/DD has been filed in an effort to protect individuals from displacement and harm. The Motion to Intervene demonstrates that DOJ has ignored choice, as required by *Olmstead*.

An earlier court decision from Virginia points to a pattern and practice by DOJ to disregard choice contrary to *Olmstead*:

"Thus, the argument made by ARC and the United States [DOJ] regarding risk of institutionalization fails to account for a key principle in the *Olmstead* decision: personal choice. And here, where more residents desire to remain in institutional care than the new facility can provide for, there is little to no risk of

institutionalization for those whose needs do not require it and who do not desire it." (*Arc of Virginia v. Kaine* (December 17, 2009) (emphasis added) (see also, *Stanley Ligas, et al. v. Barry S. Maram, et al.*, 05 C 4331 (N.D. Illinois, July 7, 2009) (denying proposed settlement and decertifying class on finding that the named plaintiffs failed to meet the criteria set forth in *Olmstead* because class definition was not restricted to individuals who were eligible for, and desired, community placement.)).

C) Arkansas

In its CRIPA and ADA "civil rights" case against the State of Arkansas regarding its Conway ICF/ID, DOJ spent millions of federal dollars and lost soundly. In his ruling dismissing the case, Federal District Court Judge Leon Holmes, addressed squarely the complete disregard by DOJ of family/guardian input and choice:

"Most lawsuits are brought by persons who believe their rights have been violated. Not this one....All or nearly all of those residents have parents or guardians who have the power to assert the legal rights of their children or wards. Those parents and guardians, so far as the record shows, oppose the claims of the United States. Thus the United States [Department of Justice] is in the odd position of asserting that certain persons' rights have been and are being violated while those persons – through their parents and guardians disagree."

Conclusion: Please condition DOJ's Civil Rights Division appropriations on respecting choice

Choice is required by the ADA, as interpreted by *Olmstead*. Families and guardians of our country's most vulnerable citizens seek relief from DOJ's deinstitutionalization actions which are counter to the *Olmstead* choice mandate, counter to the best interests of the affected individuals who are displaced from life-sustaining services, and are pursued in complete disregard of the input of individuals and their families as primary decision-makers. VOR requests the Subcommittee to require DOJ to fulfill the ADA's choice requirement by the following: (1) *In any action taken by the DOJ, including investigations, that involves the residents of an ICF/ID, DOJ shall consult with the residents (or, if a resident has a legal representative, the resident's legal representative) and families among all other interested parties before taking action; and (2) If after taking action, families wish to intervene on behalf of their family member with ID/DD in the DOJ action, DOJ is encouraged to support such intervention.*

Thank you for your consideration. For more information please contact Tamie Hopp, VOR Director of Government Relations & Advocacy at thopp@vor.net or 605-399-1624.



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March 21, 2012

House Committee on Appropriations
 Subcommittee on Commerce, Justice, Science, and Related Agencies
CJ.Approp@mail.house.gov

Re: Decreasing appropriations to Legal Services Corporation and similar entities

Honorable House Committee Members:

My name is Mike LaPlant, and I serve as president of Washington Farm Bureau, which is a general farm organization representing the social and economic needs of family farmers and ranchers across Washington state. On behalf of our more than 41,000 member families, I am writing to express our concerns with the way Legal Services Corporation, its grantees, and similar organizations have recently allocated their taxpayer-funded resources. In particular, we believe that public funding to organizations providing civil indigent legal services should be reduced or at least further restricted to ensure that farmers are not harassed by these organizations.

Farm Bureau is not opposed to a reasonable program to provide legal assistance to people who are at or below the poverty line. Providing access to justice is a legitimate public issue. However, current practices by legal services (LSC, its grantees, contractors, and affiliated entities) far surpass our understanding of what is necessary and proper for achieving this task.

For example, in recent years several of our members have found themselves at odds with legal service organizations simply because those members have participated in the federal H-2A foreign agricultural guest worker program. This program is heavily regulated by the U.S. Department of Labor and other agencies to the extent that many growers do not even attempt to use it because of the high costs and bureaucratic difficulties.

Regulations ought to provide enough oversight of the program, yet growers often find themselves entangled in lawsuits filed by representatives of legal services. These lawsuits are costly for the grower, who must pay for his or her own defense. The lawsuits, legitimate or not, serve as a deterrent to using a legal, federally sponsored, and federally regulated guest worker program designed to meet the ongoing labor needs of farmers and ranchers.

The domestic production of food, feed, fiber, and fuel is critical to the well-being of our nation. In order to grow the food that we need, our growers need access to a workforce that has proper legal authorization to work, that is stable and reliable for the growing season of the commodity being grown, and that is cost-effective in the context of national and international competition. Depending on the commodity, labor needs can be a seasonal harvest of fruits and vegetables, or they can be year-round work with livestock.

Even in these times of high unemployment, our growers are not finding domestic sources of labor to meet their basic needs. Family farmers and ranchers have little choice but to use federal foreign guest worker programs, which are politically and philosophically opposed by many farm worker advocate groups. But participation comes with risks, such as potential lawsuits from legal services, which cast doubt on our members' ability to farm their land now and in the future.

We ask you to take steps to decrease appropriations to Legal Services Corporation and similar entities so that these organizations cannot use the court system to make progress toward their political goals of hindering grower access to necessary workers.

We also ask that you consider reforms to legal services or at least reexamine existing restrictions to ensure that legal service organizations focus only on helping individuals with legitimate civil needs rather than pursuing political goals through the court system. Funding should flow as directly as possible to indigent persons, rather than indirectly to LSC and other organizations. Ideas include the following:

- Require LSC groups and their staff attorneys to make a good-faith effort to get the employer and the complaining employee or employees in a face-to-face meeting for the purpose of resolving problems before a lawsuit is threatened or filed;
- Support the development of organized ways, such as alternative dispute or mediation agreements, of settling problems between agricultural employers and their employees to avoid costly lawsuits;
- Prohibit LSC attorneys and groups from filing for or receiving court and legal costs from defendants;
- Prevent frivolous claims by legal services corporations by forcing clients of legal services to pay for their legal representation using a sliding scale of at least minimum wage for the attorney's time. A judge could waive the fee in certain egregious circumstances;
- Require legal services that receive public funds or Interest on Lawyer Trust Accounts (IOLTA) funds to pay court costs for any suits they initiate and lose;
- Ensure that individual citizens or groups can file lawsuits against LSC, its grantees, and its contractors to seek damages where legal services groups have operated in violation of the law;
- Prohibit legal service organizations from offering services to people who are not legally or physically present in the United States. Require legal services to establish the person's status and document the status prior to offering services to that person;
- Prohibit the funding of LSC grantees with IOLTA funds; and,
- Prohibit lobbying by subgrantees of LSC grantees, including those that are funded by IOLTA funds.

We urge you to use this opportunity in the appropriations process to thoroughly review Legal Services Corporation and its partners. The members of our organization need solutions for finding adequate workers and employing them within the bounds of the law. Use of public funds by LSC and others in a manner that is inconsistent with this goal undermines the ability of our growers to grow the products our nation needs.

Thank you for this opportunity to comment on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike LaPlant". The signature is stylized with a large, sweeping "M" and a cursive "LaPlant".

Mike LaPlant
President

JOHN A. KITZHABER, MD
GOVERNOR



March 20, 2012

The Honorable Frank Wolf, Chairman
Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Wolf:

The governor of Oregon is committed to working together with California and Washington to improve ocean health off the West Coast. In 2008, our then Governor Kulongoski released the action plan for the *West Coast Governors Alliance on Ocean Health*, together with the governors of California and Washington. As recommended by both the U.S. Commission on Ocean Policy and the Pew Oceans Commission, the action plan uses a collaborative approach to address some of our region's most pressing ocean and coastal management challenges, such as preparing coastal communities for the effects of sea level rise.

The purpose of this letter is to request support for \$10 million in the FY13 budget for the nine regional ocean partnerships in the United States. These grants will provide essential support for the development and implementation of action plans within each region. Additionally, I request appropriation language stating that 10% of the total funding be divided equally to existing partnerships for operations support, and that the remaining funding broadly support the development and implementation of regional priorities as determined by the partnerships through competitive solicitations.

The alliance affirms our commitment to work together on seven priority issues:

- Ensuring clean coastal waters and beaches;
- Protecting and restoring healthy ocean and coastal habitats;
- Promoting the effective implementation of ecosystem-based management of our ocean and coastal resources;
- Reducing adverse impacts of offshore development;
- Increasing ocean awareness and literacy among our residents;

The Honorable Frank Wolf, Chairman

March 20, 2012

Page Two

- Expanding ocean and coastal scientific information, research, and monitoring; and
- Fostering sustainable economic development throughout our diverse coastal communities.

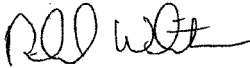
Regional approaches can advance federal interests in ocean management through coordination with other levels of government by providing direct resources to address the unique needs of a region, as well as integrated, efficient and effective management of ocean resources.

The plan advances key priorities of the *National Ocean Policy* in areas such as water quality, ocean and coastal research and mapping, coastal pollution, and habitat protection and restoration. The WCGA works closely with representatives of the National Oceanic and Atmospheric Administration (NOAA), the Environmental Protection Agency, and the Department of the Interior to implement the regional action plan, and will continue to collaborate with the interagency Subcommittee on Integrated Management of Ocean Resources.

Our request to support funding for regional ocean partnerships in the FY13 budget will help the region, and regional ocean partnerships throughout the United States, implement effective regional ocean governance to the benefit of coastal communities and all who benefit from healthy coasts and oceans.

Thank you for considering this request to support \$10 million in FY13 funding for the regional ocean partnerships in the United States. This level of funding will help the *West Coast Governors Alliance on Ocean Health* implement its actions plan, and will improve the economic and environmental health of both the West Coast and the nation.

Sincerely,



Richard M. Whitman
Natural Resources Policy Director
Office of the Governor

503-378-5145

Richard.M.Whitman@state.or.us

21 March 2012

ATTENTION: House of Representatives Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies.

REGARDING: NASA's Fiscal Year 2013 Budget

FROM: Mr. William Everitt, Amateur Astronomer.

This letter/testimony serves to express my strong opinion against Congress' plan to cut NASA's Planetary Science program by 20%. I am an amateur astronomer, a Canadian citizen, and I have been a member of the Planetary Society for 28 years (since 1984) - member number 030856.

My longstanding membership is testimony to my bone-deep belief and support of planetary exploration / science and the innumerable benefits the human race has derived from such exploration. I have been very pleased that, in the past, the US Congress has supported NASA's Planetary Science program, **unquestionably the most productive part of NASA.**

An outstanding example of this productivity is the two existing Mars rovers, Spirit and Opportunity, which were originally designed to operate on the surface of Mars for a minimum of six Earth months. Going into its seventh Earth year on Mars, Opportunity is still operating and sending a wealth of information and pictures back to Earth.

Planetary exploration and science helps the human race understand more about our Earth, our planetary origins, and our place in the cosmos. In particular, the robotic planetary missions return far more valuable and useable information than manned space missions ever will, and for a fraction of the cost.

Speaking of cost, I urge Congress to wisely consider a well known '**Cost versus Value**' argument. Rather than dwell too much on the temptation and easy opportunity to reduce **Cost** by slashing NASA's Planetary Science program budget by 20%, I strongly recommend that Congress concentrates far more on the huge **Value** that is derived from this program. In fact, I strongly believe and support that Congress should be increasing NASA's Planetary Science program budget given its incredible proven track record on delivering outstanding, measurable and meaningful results far superior to other NASA programs.

If NASA's budget must be reduced due to low government tax revenues, on account of high unemployment, and the tough economic times, then cut and slash the manned missions' budget. Manned missions are incredibly expensive and deliver much **less value** for the **cost incurred.**

The more recent discovery that weightlessness causes permanent eyesight damage to most astronauts in space more than two weeks, due to excessive brain fluid pressure, is undoubtedly going to cost millions of dollars to solve, and provide very little return in discovery for the expenditure.

Keeping humans alive in space is exponentially more costly than robotic missions. I am completely opposed to a manned mission to Mars when we can find and gather far more scientific data with robotic missions at a fraction of the cost – especially in times of fiscal restraint.

One of the main reasons I have been so supportive all my life for space exploration, in particular, planetary science exploration, is because it brings nations on earth together for a noble and worthwhile cause. Space exploration typically requires multiple nation involvement due to the enormity of the undertaking and expense, and helps us humans unite by transcending above our differences for peaceful purposes.

As a Canadian citizen, looking at the US Congress from the outside, I duly note you appear to have no problem coming up with more than a thousand billion dollars to invade a sovereign nation on false intelligence and sacrifice thousands of military and civilian lives....to what purpose? ...and for what worthy and noble cause?

To me, this is entirely a matter of political will. It is **NOT** a matter that the US Congress cannot afford to fund NASA's Planetary Science program at previous levels, and increase its budget – it is merely a matter of setting priorities. Does the US Congress take solace in the fact it makes the spending of money a priority to go to war that kills thousands of lives, and yet will not prioritize funds for peaceful purposes that will help humanity, both in the short and long term, and not kill humans in the process?

I was shocked that NASA was forced to back out of the previously made promise to work with the European Space Agency (ESA) for the Mars 2016 and 2018 rover missions. Now the ESA has turned to Russia for a partner in these robotic planetary missions. How embarrassing for the United States, a leading space faring nation, to back out of such a worthy cause and not be on the frontier of important new discoveries – which the US can well afford, if you **want** to.

No doubt, other participating nations are also seeing that the USA seems to have the funds needed for warfare, but falls short on its own previous commitments for peaceful endeavors that help and benefit humanity.

When Christopher Columbus set sail to discover other worlds at tremendous risk and cost, he did so for the sake of discovery...to go where no human has gone before. This instinct to explore and discover is in our human genetic code. We cannot help it. We have to go and discover. It is as instinctive as our desire to survive and stay alive.

To me, an act of the US Congress to slash NASA's Planetary Science budget, is an act that violates and denies our very nature to explore and discover. It goes against our bone- deep genetic code and instinct.

Please, I vehemently urge Congress to pursue a more noble and peaceful cause and support NASA's Planetary Science program to the fullest extent possible and increase its budget, not slash it – for the sake of a better humanity, a peaceful world, and a much deeper understanding of our place in our solar system and the cosmos.

Respectfully yours,

William Everitt, CET, CJF

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